

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० १] नई दिल्ली, शनिवार, जनवरी २, १९७१/वैष १२, १८९२
No. १] NEW DELHI, SATURDAY, JANUARY 2, 1971/PAUSA 12, 1892

इस गण में विश्व पृष्ठ संख्या दी जाती है जिससे कि यह ग्रन्थ संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड ३—उपखंड ३ (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर)
केन्द्रीय प्राधिकरणों द्वारा जारी किये गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories)

ELECTION COMMISSION OF INDIA

New Delhi, the 11th December 1970

S.O. 1.—In pursuance of clause (b) of sub-section (2) of section 116C of the Representation of the People Act, 1951, the Election Commission hereby publishes the judgment of the Supreme Court of India dated the 16th October, 1970, in appeal against the Order dated the 28th March, 1968 of the High Court of Judicature, Andhra Pradesh, at Hyderabad in Election Petition No. 20 of 1967.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 1486 of 1968

B. R. RAO

N. G. RANGA

Versus

Appellant.

Respondent.

JUDGMENT

SHAF, J.—At a bye-election held in April 1967 to elect a member of the Lok Sabha from the Srikakulam Parliamentary constituency there were two contesting candidates Boddepalli Rajagopala Rao—hereinafter called 'the appellant' and

Dr

N. G. Ranga—hereinafter called 'the respondent'. The respondent was declared elected. The appellant filed an application in the High Court of Andhra Pradesh to set aside the election of the respondent on the ground that the respondent had committed diverse corrupt practices described in s. 123 (1) (A) (a), (b), (5) and (6) of the Representation of the People Act, 1951. The respondent denied the allegations made in the petition. He also submitted that the allegations were vague and indefinite and some of those allegations did not constitute any corrupt practice within the meaning of the Representation of the People Act, 1951. The appellant amended the Petition and submitted particulars of certain corrupt practices set out in the original petition. The appellant then filed his additional written statement. The High Court held on a detailed consideration of the evidence that the corrupt practices alleged by the appellant in the petition were not proved, and dismissed the petition. The appellant has appealed to this Court under s. 116A of the Representation of the People Act, 1951.

Counsel for the appellant restricted his argument to the following charges set out in the petition:

- (1) A charge of bribery in respect of an amount of Rs. 4,000 paid to a candidate in the election as gratification for not standing for election, Rs. 10,000 for constructing a high school building in the village Kothakota with the object of inducing the voters in the village and three other contiguous polling stations to vote for him; and Rs. 1,000 paid for completing the excavation of a well in consideration of promise of votes for the respondent. Thereby corrupt practices of bribery within the meaning of s.123(IA) & (IB) were committed;
- (2) Providing on the day of polling a number of motor-vehicles for the free transport of voters to the polling stations, and especially motor-jeep No. APK-9486, motor-lorry No. APK 9250, motor-lorry No. APG-3511 and motor-bus No. APS-1315. Thereby a corrupt practice under s.123(5) was committed;
- (3) Causing the printing and publication of a leaflet containing false and defamatory statements in relation to the personal character of the appellant. Copies of the leaflet were distributed at several meetings held by the Swatantra Party at Srikakulam and other places. The respondent and his election agent also exhorted, with the object of tarnishing the image of the appellant and lowering him in the estimation of the voters, the voters at those meetings not to vote for the appellant who it was alleged had misappropriated public funds. Thereby the respondent committed a corrupt practice under s.123(4) of the Representation of the People Act.
- (4) That the account of the expenditure returned by the respondent did not disclose many items of expenditure which were incurred in connection with the election. The respondent had expended a sum exceeding Rs. 3 lakhs, and the expenditure returned was a gross under-estimate of the expenses incurred by the respondent in connection with his election. Thereby he committed a corrupt practice under s.123(6) read with s. 77 of the Representation of the People Act, 1951.

In respect of the charge of bribery there were three heads—(1) that the respondent and his election agent G. Latchanna induced one Suviri Sanyasi Apparao not to stand as a candidate at the election by paying him Rs. 4,000 as gratification. According to the appellant Suviri Sanyasi Apparao who was defeated in the contest for a seat in the Legislative Assembly of Andhra Pradesh in the general elections held in 1962 and February, 1957, intended to contest for the Lok Sabha seat in the bye-election and was canvassing support before the appointed date for filing nominations, but the respondent and his election agent at a meeting on March 29, 1967 in the travellers' bungalow at Amadalavalasa dissuaded Suviri Sanyasi Apparao from contesting the election in consideration of payment of Rs. 4,000. This was denied by the respondent. In support of his case the appellant examined Suviri Sanyasi Apparao P.W. 24 and B. Suryanarayana P.W.25. He relied also upon two documents Exts. P-41 and P-83. In rebuttal the respondent relied upon his own testimony and of his election agent Latchanna. Suviri Sanyasi Apparao was also examined as a witness R.W. 2. The respondent examined a number of other witnesses K. Chalapatirao Patnaik R.W. 1, Bendi Appala Suri R.W. 3, Dola Jagannatha Rao. R.W. 6, Sylada Pyditalli Naidu R.W. 9, B. Achuta Raju R.W. 10, B. Narayana Swamy R.W. 15, Kolaganti Sathi Raju R.W. 25 and Gokina Chandra Rao R.W. 26 and relied upon certain documents. The two witnesses examined on behalf of the appellant deposed to the circumstances leading to their presence at Amadalavalasa Travellers' bungalow and payment of Rs. 4,000 to Suviri Sanyasi Apparao by Latchanna after the respondent and Latchanna had requested

him not to file the nomination paper and to help the respondent in the election. The learned Trial Judge made a detailed analysis of the evidence and held that there were "contradictions and material discrepancies" in the statements of the witnesses for the appellant, and that the statements of the witnesses "did not inspire confidence". The burden of proving that the respondent and his election agent went to Amadalavalasa travellers' bungalow and persuaded Suvari Sanyasi Apparao not to file his nomination paper in consideration of receiving a bribe lay upon the appellant. The two witnesses examined on his behalf are, as found by the High Court, "highly interested and their testimony was rebutted by the witness named by him as the persons present at the time. Besides, the evidence of the witnesses as found by the High Court was discrepant and did not accord with probabilities. Both the oral and documentary evidence falsified it. There were inherent improbabilities in the allegation itself." No substantial argument was advanced before us to persuade us to take a different view.

(ii) In respect of the charge of bribery of Rs. 10,000, it was alleged in the petition that Latchanna, election agent of the respondent visited Kothakota at 8.00 P.M. on April 26, 1967 and paid Rs. 10,000 to one D. Jaganatha Rao a resident of that village for constructing a high school building in that village. The payment, it was said, was made with the object of inducing the voters of Kothakota and three contiguous polling stations to vote for the respondent. This was denied by the respondent. In support of the allegation the appellant examined Dhavaia Appalla Suri P.W. 7, Kusumanchi Adinarayana P.W. 8, Calala Ramulu P.W. 9 and Ambala Appalla Suri P.W. 11 and relied upon some documentary evidence also. In answer the respondent examined himself, his election agent and witnesses K. Chalapatirao Patnaik, R.W. 1, Dola Jagannatha Rao R.W. 6, D. Kondait Choudari R.W. 8 and Alla Venkatarao R.W. 16 and relied upon certain documentary evidence. On a consideration of the evidence the learned judge observed that the entire oral evidence in support of the appellant's case was "highly discrepant" and did not "merit credence". The High Court observed that "the petition did not refer to the place of incident, whether it was rice mill premises or outside the rice mill where the payment is alleged to have been made. While some of the witnesses said it was rice mill premises itself, others said that it was near the rice mill". The High Court also observed that "apart from the interested nature and the fact that their testimony was replete with material contradictions, there were inherent improbabilities in the story told, which made it highly difficult to accept the testimony". After considering the testimony of the respondent and his witnesses the Court observed that the oral testimony on behalf of the appellant was inconsistent and did not make out a case of corrupt practice, that the probabilities of the case were strongly against the appellant's contention and there was no reason to disbelieve the testimony of the witnesses for the respondent. Even in respect of this charge of corrupt practice no argument seeking to persuade us to take a different view was advanced by counsel for the appellant.

(iii) In respect of the third head of the charge of bribery, it was alleged by the appellant in his petition that at Pathokota a village falling within the limits of Budarsingi polling station the respondent and his election agent convened an election meeting on April 23, 1967, that the villagers assembled at that meeting requested the respondent to donate a sum of Rs. 1,000 to complete the excavation of a well in return for their votes, and that as directed by the respondent on the same day at about 5-00 P.M. Nagineni Venkayya agent of the respondent paid Rs. 1,00 to Biridhar and Judisti, members of the village Youth League in the presence of the Sarpanch and village elders. In support of this plea the appellant examined Khanda Judishira Kumari P.W. 17 and Chunchalam Satyanarayana P.W. 18. In rebuttal, the respondent examined himself, his election agent Latchanna, Kavuri Venkaiah R.W. 28, Giridhar Kumar R.W. 13 of village Patakota and two others of the same village Harinarayan Dolao R.W. 17 and Narsing Munarao R.W. 18. On a consideration of the evidence the Court held that the evidence on behalf of the appellant was "marred by improbabilities", and it could not be accepted. Again the evidence for the respondent in the view of the High Court was "sufficient to disprove the corrupt practice" alleged. The High Court held that the corrupt practice was accordingly not established even in respect of this head of charge. Counsel did not urge any substantial argument to persuade us to take a different view.

The charge of corrupt practice under s. 123(5) arose out of the allegation that Latchanna produced a number of lorries, jeeps, motor-cars, buses and other vehicles, for free transport of voters to the polling stations on the date of polling. It was averred in the petition that jeep No. APK-9486 was used for the free transport of voters between 10-00 A.M. and 2-00 P.M. on the polling day from Killol village and Killol colony to the polling station at Konkadapatti. The jeep, it was said, carried the Swatantra Party Flag as well as the agent of the respondent one Dunkuru Mangules. This was witnessed by the Presiding Officer, among others, when a

complaint was made by the agent of the appellant Nadia Naiko to the Presiding Officer. In support of this plea of corrupt practice the appellant examined three witnesses Papi Naidu, Presiding Officer P.W. 10, Hadia Naiko P.W. 20 and D. Ramamurthy P.W. 26. The respondent denied that the jeep APK-9486 was used for transporting voters as alleged. According to him the vehicle belonged to the Swatantra Party and stood registered in the name of Narayan Dandekar Secretary of the Party.

D. Ramamurthy P.W. 26 was examined on behalf of the appellant in support of his case on this plea of corrupt practice. The witness said that the jeep was entrusted to him at Sompata to deliver it to Dunkuru Mungalo, Polling agent of the respondent at Konkadaputti. According to the witness it was jeep No. APK 9486 which Latchanna had brought from "Guntur side for purposes of election", that the jeep was delivered to the polling agent for bringing voters from neighbouring villages to the polling booths, that the jeep was used for that purpose from 10 A.M. to 2.00 P.M., and that he reached Konkadaputti at 9.30 A.M., and remained near the polling station till 2-P.M. asking voters to vote for the "Star Symbol" of the Swatantra Party. The learned Judge observed that the witnesses "did not impress him as a witness of truth and it was impossible to place reliance upon his testimony". His story that the voters were transported free of charge in the jeep to the polling station on the date of polling could not therefore be believed.

Papi Naidu, the Presiding Officer, stated that a complaint was lodged by the agent of the appellant that the voters were being brought by the supporters of the Swatantra Party to the polling station. The witness also stated that he saw voters getting down the jeep and joining the queue and that there were 7 or 9 such voters. But the witness admitted that the people who were getting down the jeep were not known to him, that he had no opportunity to get them identified, that they had joined the queue but whether they were voters or not he could not say, that he asked the agent to put his complaint in writing but that was not done, and that the agent was not known to him and he had never even seen him afterwards. The witness did not mention this incident in the report "as such complaints were not usually mentioned at all." He did not give the number of the jeep, nor did he state that he had seen the Swatantra flag on the jeep. He could not vouch for the fact that those who alighted were voters or that they had voted at that polling station. In the view of the learned judge the testimony of Papi Naidu, P.W. 10, did not satisfy all the component elements of the corrupt practice alleged."

Hadia Naiko was the polling agent of the appellant. He stated that Dunkuru Mongalo was bringing voters from Killoi Colony and Killoi village between 10 A.M. and 2 P.M. seeking this he told Dunkuru Mungalo that it was not proper for him to bring the voters in jeep cars and when the latter asserted that he had a right to do so, he complained "to the Presiding Officer who asked for a written complaint which he could not comply with as he was not proficient enough to write one and none on behalf of the appellant had come who could do the needful." The witness did not give the number of the jeep nor the names of the voters. In the view of the learned Judge "Procurement of the jeep for free conveyance was not proved." The High Court observed that it was unnecessary to discuss the evidence on behalf of the respondent for the appellant had failed to establish the corrupt practice alleged. The next head under this charge of corrupt practice as alleged by the appellant related to the use of motor-lorry No. APK-9250 which was flying the Swatantra Party flag and was used for free transport of voters on the polling day between 10 A.M. and 4 P.M. from the surrounding villages to the polling station at Guttavalli. During one of the trips, it was said, there ensued a free fight between the persons who were carried by the lorry and others who were present near the polling station as the former raised slogans acclaiming the respondent and denouncing the appellant. A complaint was given to the police by some of the voters that they were being conveyed in the lorry, two of those voters being Kotta Appanna and Sarpanch Sinupanapalaum. It was admitted therein that while they were being transported for exercising their vote for the respondent there was obstruction from the supporters of the appellant Sanapalli Manumula Appalaw and his son and that a free fight ensued. The respondent denied these allegations. In support of the allegations, the appellant examined Kolla Appanna P.W. 12, Gedala Lakshmi Naidu P.W. 16, Sanapala Narsinha Rao P.W. 21, Sanapalli Raja Rao P.W. 24 and P. Chandra Rao P.W. 27. In rebuttal the respondent examined Jammana Jogi R.W. 7, Carimalla Kameswara Rao R.W. 11 and Dannana Appanna R.W. 23 and relied upon "the first information" which was lodged about the fight. The High Court analysed the evidence of the witnesses on behalf of the appellant. In regard to the testimony of Kolla Appanna P.W. 12 the High Court observed that his assertion that he went in a lorry was "highly doubtful" and that the story deposed to by the witness was "palpably false", that the story that the witness Gedala Lakshmi Naidu P.W. 16 that he travelled by the

lorry was "open to doubt", that testimony of Ganapala Narasimha Rao who is "closely related" to the appellant "was tainted", and that the evidence of Sanapali Raja Rao P.W. 24 was also "not believable". On a review of the evidence the High Court observed that the number of the lorry was not given by any of the witnesses, and there was no evidence about its ownership. There was again no evidence "as to its procurement for free conveyance" and "the alleged use of the vehicle for free conveyance was, therefore not established. Thus the contention as to the alleged incidence must be held against the appellant."

The third branch under this head related to the use of motor-lorry No. AFG-3911 and motor-bus No. APS-1315. It was alleged in the petition that the two vehicles were "flying the Swatantra Party flag" and were used for transporting voters free of charge on the polling day to Torrivanan polling station from Buruinwada and Appanyaturu that a report was lodged by Boyana Kanakiah and B. Mamaray to the police Sub-Inspector of Kothun who was on election duty at Sarnakota stating that a number of voters were being carried by lorry No. AFG-3911 and bus No. APS-1315 to vote for the respondent, that the Sub-Inspector recorded the statement of the bus conductor, the lorry driver and other persons and that a mediation report" was also prepared in that connection. The respondent denied the allegations. In his additional written statement he also pleaded that there was absence of essential particulars relating to the names of the voters and that the petition did not disclose a cause of action since the allegations did not make out a corrupt practice. In support of his case the appellant relied upon his own evidence and the evidence of the witnesses Boyana Kanakiah P.W. 13 and Boyina Kama Raju P.W. 14. It was the case of the appellant that those witnesses had seen the incident and had given a report promptly to the Sub-Inspector of Police, and that Sub-Inspector had detained the motor-lorry and bus and got a mediators' report prepared. But the Sub-Inspector of Police to whom the report is alleged to have been made was (though cited as a witness) not examined in the case and the report or the proceeding started pursuant thereto were not brought on the record. After the evidence was closed the appellant applied for calling the Sub-Inspector as a Court Witness but the application was rejected. Boyana Kanakiah P.W. 13 and Boyina Kama Raju P.W. 14 are cousins of the appellant. In their evidence they did not specify the persons who used the said lorry and bus on behalf of the respondent, nor did their evidence disclose the names of the voters conveyed by the said lorry or bus.

In the view of the High Court the conditions of a corrupt practice falling within the meaning of s.123(5) of the Representation of the People Act were not established. The High Court pointed out that even if it be held that what Boyana Kanakiah P.W. 13 and Boyina Kama Raju P.W. 14 said that certain persons travelled by the lorry and bus was true unless it was established that the voters were taken to and from the polling stations at the instance of the respondent, no charge of corrupt practice can be deemed to be made out for not a single person was named and no person was brought before the Court to prove that he travelled in the bus or the lorry. The High Court held that the case set up in respect of the two vehicles was also not established.

The finding of the learned Trial Judge is based upon appreciation of evidence of the witnesses in the light of probabilities. A charge of corrupt practice under the Representation of the People Act must be established by clear and cogent evidence. When the Court of First Instance on a consideration of the evidence of the witnesses has refused to place any reliance upon their testimony the burden lying upon the party setting up a plea of corrupt practice becomes no lighter in appeal. The charge cannot be held established merely upon suspicion, or preponderance of probabilities. Unless the appellant establishes that the appreciation of evidence was vitiated by gross misreading or misconception of the evidence or because of failure to consider important pieces of evidence which had a bearing on the charge or because of serious irregularities in procedure which amount to a denial of a fair trial the appellate court will not proceed to reappreciate the evidence on which the findings are recorded by the Court of First Instance on the credibility of witnesses.

The third head of charge relates to the printing and publication of a leaflet defamatory of the appellant and falling within s.123(4) of the Act, it was stated in the petition that one Dola Jagannatha Rao agent of the respondent caused the printing and publication at the instance of the election agent of the respondent of a leaflet containing the following false and defamatory statements in relation to the personal character of the appellant:

- (a) that the appellant misappropriated large amounts to the tune of about Rs. 60 lakhs belonging to the Co-operative Sugar Factory and the Co-operative Central Bank for his own ends;

- (b) That the Supreme Court confirmed the Order of the High Court sentencing the appellant for contempt of Court the leaflet posed the question whether the Congress Party could not get a candidate with better character and record of selfless public service?

The appellant said that the leaflet was printed at Sri Ramakrishna Printing works at Srikakulam and the printing expenses thereof amounting to Rs. 85 were according to the appellant defrayed by the election agent of the respondent, that the election agent of the respondent caused the distribution of those leaflets at several meetings held by the Swatantra Party at Srikakulam at 9-00 P.M. on April 24, 1967, at Mandasa at 6-00 P.M. on April 21, 1967, at Takkali at 7-00 P.M. on April 20, 1967 and at Palasa at 11-00 A.M. on April 21, 1967 and at other places to sponsor the candidature of the respondent to a seat in the Parliament. It was further averred that the respondent and his election agent exhorted the people at those meetings not to vote for a person who had misappropriated public funds. The respondent denied that he and his election agent had knowledge or had consented to, or were concerned with the leaflet, its printing, publishing and distribution. He also denied that he or his election agent exhorted the voters as alleged by the appellant.

The leaflet in question is in the form of several interrogations. The caption of the leaflet in "Peoples' Questionnaire to the Respected Minister," The relevant part of the leaflet is:

- "1. Did not 18 gentlemen including Andhra Pradesh Congress Secretary Srikulapu Lokshammana Das, District Board President Sri Gorle Srimulu Naidu. Ex-Assembly member Sri Andhavarapu Tavitayya, Sri Challa Narasimbulu Naidu and others, present a memorandum in June 1966 to the Chief Minister and to the Minister for Co-operation stating that Sri Boddepalli Rajagopala Rao, who is to contest as a Congress Party candidate in the Srikakulam Parliamentary Constituency by-election on the 27th of this month, had misused like water nearly 60 lakhs of rupees of governmental monies and peoples' monies belonging to Co-operative Sugar Factory, District Co-operative Central Bank and such other Co-operative institutions which were treated as his own and managed under his control? What action has been taken against it by the Government?
2. Did not your Government appoint the Regional Officer of Co-operative Societies, Panchayati Samiti, Amadalayalasa, to inquire into the affairs of the Gandhi Building Society which is managed under the control of Sri Boddepalli Narayana Murthy who is the brother of Rajagopala Rao, member of the Legislative Assembly? Could any body deny the fact that when that officer brought to light the inner secrets and brought them to the notice of the Government, the Government on the ground that that officer did not obey their instructions, brought him out in the mid-night, beat him almost to death and broke his legs and thrown him on the road? Is he not still in the hospital? When he complained to the police authorities, what action has been taken? Is there no protection under your Government to your officers who are just and impartial?
3. Did not the Supreme Court confirm the fine of Rs. 500 imposed by the High Court on Rajagopala Rao for contempt of Court because he flouted the orders of the High Court in that he by force, oppressive behaviour and threat to the Factory Manager, forcibly took all ballot papers and himself, acting as an Officer, conducted the Sugar Factory elections in an irregular manner? When it is clearly stated in the Co-operative Act that such persons should not be even primary members in Co-operative societies, could you tell how this person could still be in the governing body of co-operative societies?

Could you not get a candidate who is better and who could render selfless service to people? Of course, it is difficult to get men of High and moral Calibre in the 1967 model congress?

Section 123(4) of the Representation of the People Act, 1951, defines one of the corrupt practices, as under:—

"The publication by a candidate or his election agent or by any other person with the consent of a candidate or his election agent of any statement of fact which is false, and which he either believes to be false or does

not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of the candidate's election."

To constitute a corrupt practice under s. 123(4) four conditions are required to be fulfilled; (1) that there should be publication of a statement of fact relating to the personal character or conduct of the candidate; (2) that the statement should be false; (3) that the person making it should either believe it to be false or should not believe it to be true and that the statement was reasonably calculated to prejudice the prospects of that candidate's election; and (4) that it was published by the candidate or his election agent or by any other person with the consent of a candidate or his election agent. If the publication is by a person other than the candidate or his election agent, the consent of the candidate or his election agent must be established before the charge is held proved. Proof of express consent is not necessary; inference of such consent may be raised from the circumstances. Prior knowledge of the consents and the knowledge that it is likely to be published may raise an inference of consent. If the candidate deliberately keeps quiet and does not stop the publication if it be within his power. Where the offending matter has already been published and thereafter it comes to the knowledge of the candidate at the election and he does not take steps to repudiate it, the consent may not necessarily be inferred unless the candidate or his election agent permits or aids in publication. Section 100 of the Act sets out the grounds on which the election may be held to be void and one of the grounds is that if the High Court is of opinion that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent, the High Court shall declare the election of the returned candidate to be void. Mere commission of a corrupt practice is not sufficient; it is proof of consent of the candidate or his election agent to the commission of the corrupt practice which require the Court to declare the election void. In the matter of publication of statements which are false and are reasonably calculated to prejudice the prospects of the candidate's election proof of consent not infrequently assumed great importance for even if it be proved that the publication has been made, unless it is shown that it was with the consent of the candidate or his election agent, the corrupt practice may not be held to be committed so as to invalidate the election. Case of publication without authority or with a view to great evidence by interested persons against the candidate who is likely to be successful are not unknown.

It is not in dispute that the leaflet Ext. P-257 was published. The leaflet was again reasonably calculated to prejudice the prospects of the appellant's election. Parts of the leaflet related to the personal character and conduct of the appellant and were defamatory of him and were likely to lower him in the estimation of the electorate.

It is not necessary to decide whether the statements of fact made were false, for the High Court has held that it is not proved that the respondent or his election agent was concerned with the publication or distribution of the leaflet, and we agree with that view.

The evidence on this part of the case may be considered in three sections: evidence relating to the printing of the leaflet, evidence relating to the distribution of the leaflet at the meetings held at several places as part of the election campaign of the respondent; and evidence relating to the making of oral statement reproducing the contents of Ext. P-357 at those meetings.

It is common ground that one Dola Jagannatha Rao procured the leaflet printed at Sri Ramakrishna Printing Works at Srikakulam. It was averred in the election petition that the printing expenses were defrayed by Latchanna the election agent of the respondent and that Latchanna had caused distribution of the leaflet at several meetings held by the Swatantra Party at Srikakulam on April 24, 1967; at Mandasa on April 21, 1967; at Takkali on April 20, 1967; and at Palasa on April 21, 1967. This was denied by the respondent. D. Jagannatha Rao was examined as a witness for the respondent. He deposed that he did get the leaflet printed on his own account and not at the instance of anybody else, that he defrayed the expenses and paid on April 9, 1967 the printing charges amounting to Rs. 85, that he wrote the draft of the leaflet in his house at Srikakulam; that no one else was present on that occasion, that he did not consult any other person nor did he take any other person's advice in that behalf, that before he took it to the press he did not show it to any other person, and that as the printers could not properly decipher the manuscript they got prepared a fair copy by their own employee.

The witness admitted that he was a Swatantra party worker and put his signature on the fair copy of the leaflet. Consent of the candidate or his election agent to the printing of the pamphlet cannot be inferred from that circumstance, to establish the consent of the respondent or his election agent to the printing of the leaflet, the appellant examined the Managing proprietor of Sri Ramakrishna Printing Works who deposed that D. Jagannatha Rao placed with him an order for printing 10,000 copies of the leaflet Ext. P-357 and that in his books of account the name of D. Jagannatha Rao was entered as of the person who ordered printing of the leaflet. The witness stated that D. Jagannatha Rao had brought the written matter on 2 or 3 pages, and that the Manager of the Printing Press got "it fair copies" and took his signature on the fair copy which is Ext. P-358. At the time when he took delivery of the printed leaflet, D. Jagannatha Rao paid an amount of Rs. 85/- for printing charges. The witness stated that one Chelapati Rao also came over to the printing press but only after D. Jagannatha Rao had paid the charges, and that Chelapati Rao had nothing to do with that leaflet. In support of the evidence the witness produced Exts. P-346 and P-346-1 copies of the order and the voucher evidencing payment by D. Jagannatha Rao. This testimony fully supported the case of D. Jagannatha Rao. There was some discrepancy about the date of placing the order. D. Jagannatha Rao said that the order was placed on April 7, 1967, the Managing Proprietor said it was on April 4, 1967, but that was a minor discrepancy which did not affect the testimony of either witness.

This evidence did not support the case of the appellant. He examined D. Ramamurthy P.W. 26 who stated that the leaflet Ext. P-357 was drafted in the house of Latchanna by K. Chelapati Rao Patnaik to the dictation of Latchanna in the presence of Dola Jagannatha Rao, that one week thereafter the leaflets were got printed by Chelapati Rao Patnaik and Dola Jagannatha Rao, and that Latchanna gave them Rs. 300/- and sent them to Srikakulam. In cross-examination the witness stated that he would not write Telugu, though he could read a little. He also admitted that he was not usually consulted in any matter, but whenever required the members of the party used only to take work from him. To explain his presence at the drafting of the leaflet he stated that Latchanna called him on April 25, 1967 at his residence, that when he reached Latchanna's place the leaflet was being drafted and that he was detained till the drafting was over and thereafter he was sent away. The witness could not explain the reason why the leaflet was not printed at Guntur. Witness D. Ramamurthy sought to support the case of the appellant on several other matters. The High Court observed that his statement was "highly artificial", that there was no reason why he should have been called by Latchanna to be a witness to the drafting of the manuscript of the leaflet, and that the 'artificiality of his statement was obvious on the face of it and further his testimony did not bear scrutiny at all'. Nothing has been said before us which would justify us in taking a different view.

Chalapathi Rao R.W. 1 was examined on behalf of the respondent. He denied that he wrote the draft or took any part in the printing of the leaflet at Latchanna's instance. He said that he had seen the leaflet for the first time only after it was printed and D. Jagannatha Rao had taken delivery and never thereafter.

Latchanna denied all knowledge in connection with the printing and dictation of the contents of the leaflet Ext. P-357.

The evidence clearly does not make out the case of the appellant. It was the case of the appellant that Latchanna got the leaflet drafted and printed. From the mere fact that D. Jagannatha Rao was a partyman and a member of the State Council of the Swatantra Party of which Latchanna was the President, and that D. Jagannatha Rao had contested on the Swatantra Party ticket for a seat in the Andhra Pradesh Legislative Assembly in the general elections in 1967, no inference arises that the leaflet was published with the consent of the respondent or his election agent.

At the trial the appellant relied also upon the publication of the contents of the leaflet in two weekly newspapers—Bahujana and Vahini—in their issues of April 17, 1967, and April 24, 1967 respectively. In the first newspaper the caption shows that it was a questionnaire of Srikakulam public to the Minister; and in the second newspaper the caption showed that it was a questionnaire by the Srikakulam public through D. Jagannatha Rao, President of Nagrakatakam Swatantra Party. Latchanna is the printer, publisher and editor of Bahujana. The contents which were published in the Bahujana largely tally with Ext. P-357. The caption, however, is different. Latchanna deposed that he did not send the leaflet for

publication in the newspaper from Srikakulam to Hyderabad. He denied the suggestion that it was not D. Jagannatha Rao but he himself who caused the publication of the article in *Bahujana*. He further stated that though he was the editor of the paper he was away from Hyderabad and in his absence his brother's son G. Kranti Kumar was editing the paper, and that he came to know of the publication many days after the election was completed. There was no allegation in the petition that the publication in the *Bahujana* was caused by Latchanna or by the respondent. The evidence brought before the Court could not cure the defect in the pleadings. There is no evidence also that either the respondent or his election agent Latchanna had knowledge before the date or the publication or even before the date of the election of the respondent.

It was said that the respondent had expressed his thanks for the work done by the *Vahini* newspaper during the election. This was not a matter relevant to the issue under consideration, and the High Court was right in holding that it would be extending the scope of the inquiry contemplated to be made on the allegations made in the petition to hold that by reason of the publication in the *Vahini* and *Bahujana* the respondent or his election agent were guilty of any corrupt practice. In the petition it was expressly averred that the leaflet Ext. P-357 was published by the respondent and his election agent. It was not pleaded that the contents of the leaflet Ext. P-357 with some modifications were published in the *Vahini* and *Bahujana* and that by that publication a corrupt practice under s. 123(4) was committed by the respondent.

The appellant also alleged that at meetings he'd at four places—Takkali, palssa, Mandasa and Srikakulam—these leaflets were distributed. In support of this case Suri Suryanarayana P.W. 25, D. Ramamurthy P.W. 26, Kirtichandra Rao P.W. 28, C. V. Babu Rao P.W. 29, M. Narayana Rao P.W. 30 and Sana Veera-bhadra Rao P.W. 31 were examined. In rebuttal, K. Chalapati Rao Patnaik R.W. 1, Suverl Sanyesi Appa Rao R.W. 2, Bandi Appalla Suri R.W. 3, D. Kondali Choudari R.W. 8, Carimella Kameswara Rao P.W. 11, S. Narayana Swamy R.W. 15, Narayan Dandekar R.W. 20, S. Chandraiah Naidu R.W. 21, N. Veerachari R.W. 22, Bendalam Rama Murthi R.W. 24, Allu Suryanarayana R.W. 29 and Raj Vallath Misra R.W. 30, besides the respondent and his election agent, were examined to disprove the case of the appellant. The case of the respondent was that he was not present at any of the meetings except at Srikakulam which he attended at its concluding stage. Latchanna also denied that he was present at any of those meetings.

The High Court made a painstaking analysis of the evidence of the witnesses relating to the holding of the meetings and the distribution of the leaflet Ext. P-357 and the witnesses examined on behalf of the respondent, which ran into as many as 23 printed pages, and in conclusion observed:

"From the above discussion it is clear that it was Dola Jagannadha Rao himself who got printed Ext. P-357 of his own accord and neither the respondent nor his election agent was in any way concerned with it. The respondent and the election agent were in no way connected with its publication, when several thousands of copies of the pamphlet had been printed they must of course be for purposes of distribution. Dola Jagannadha Rao could have personally distributed them or caused their distribution through others. But there is no positive evidence that these pamphlets were distributed amongst the public either by Dola Jagannadha Rao himself or by the election agent, as alleged, or to the knowledge of either the respondent or his election agent."

We see no reason to disagree with the view of the High Court on the evidence.

The question which remains to be considered is whether a corrupt practice falling within sub-s. (6) of s. 123 was committed by the respondent. Incurring or authorizing expenditure in contravention of s. 77 is a corrupt practice. Section 77 requires that every candidate at the election shall either by himself or by his election agent keep a separate and corrupt account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date of publication of the notification calling the election and the date of declaration of the result thereof, both dates inclusive. By sub-s. (3) of s. 77 the total of the said expenditure shall not exceed such amount as may be prescribed. For the parliamentary election an amount of Rs. 25,000/- was prescribed as the maximum amount to be spent. The respondent submitted a return disclosing expenditure of Rs. 15,834-92.

It was averred in the election petition that the total expenditure of Rs. 15,834-92 returned by the respondent as election expenditure under r. 86 was a "gross under-estimate of the expenses incurred by the respondent in connection with the election", that the respondent had not included in the account various items of expenditure incurred and also "given grossly diminished figures in respect of items included therein", that "It was obvious that his accounts did not reflect the expenditure actually incurred, but it only represented a fictitious figure manipulated with a view to conform to r. 90". It was further averred that a large amount aggregating to Rs. 3 lakhs and more was spent for the purpose of the election. After setting out certain argumentative matters, it was stated in the petition that the expenditure in respect of the following items "had been suppressed or diminished or reduced in the account rendered by the respondent":

- (1) the amount of Rs. 1,193/- paid to Vijaya Auto Service under voucher dated April 30, 1967 for the purchase of diesel oil, motor-spirit and lubricants was not included;
- (2) though in fact the respondent incurred and paid an amount of Rs. 10,000/- for the purchase of motor-spirit from the Esso Standard Bunk Sriakulam, only an expenditure of about Rs. 200/- was shown in the account of election expenses;
- (3) that an amount of Rs. 6,000/- was spent for the purchase of motor-spirit from Esso Standard Bunk, Sompct, but only Rs 607-94 were shown in the account;
- (4) that various amounts aggregating to Rs. 10,000/- were paid at different bunks for motor spirit and diesel oil but those amounts had been deliberately suppressed from the account. Thereafter five names of the proprietors of those petrol bunks were mentioned.

The petition then proceeded to say that the total expenditure incurred on motor spirit was far in excess of Rs. 1,000/- odd shown in the account rendered, and that the motor spirit purchased during the period from the motor spirit bunks at Sriakulam, Sompct, Itchapuram, a Amadalavalsa and Takkali and other places was "ridiculously low", that a number of lorries from outside or within the District were engaged by the respondent during the last week of the election for propaganda purposes, as also on the polling day for conveying voters to the polling stations, and the expenditure on diesel oil, drivers and cleaners in respect of those vehicles had not been included in the account. The petition then referred to the expenditure on "wall posters", on printing, distributing and exhibiting them was far below the account incurred, and only an amount of Rs. 2,081/- was shown as expenditure incurred by the respondent in his account of election expenses on that account. It was then stated that the expenditure incurred by the respondent in respect of "cycle rickshaws and jutkes" was not shown, that wages and maintenance of about 1,000 workers for about three weeks and about 1,500 polling agents on the day of poll "was not accounted for", that no expenditure incurred towards boarding and lodging of the workers at the election "was accounted for"; that the amount of Rs. 4,000/- paid by the election agent of the respondent Venkayya to Sri Venkateswara Lodging and Boarding Sri kakulam was suppressed in the account" of election expenses; and finally an amount of Rs. 500/- incurred for the purchase of voters' lists for the seven assembly constituencies was also not included.

The case of the appellant was sought to be proved by examining a large number of distributors at "petrol bunks" from whom motor-spirit was purchased on cash in respect of various vehicles. It was sought to be proved that a large number of vehicles were used for his election campaign by the respondent and the expenditure incurred according to the appellant exceeded Rs. 23,000/- for motor-spirit alone. A copy of a bank account maintained in the name of Latchanna with the Andhra Bank Ltd., Sriakulam, was tendered in evidence to support the case of the appellant that large amounts were withdrawn from time to time during the election days and it was suggested that all the money withdrawn was utilised by Latchanna for the election campaign of the respondent. It was the respondent's case that Latchanna did not have custody of the funds intended to be used for the election campaign, that he, the respondent, had kept his money for the election campaign with one Kavuri Venkaiah and that the latter spent the amount for election purposes. The respondent said that the amount spent by him was partly his own and partly received from donations. He denied that any election fund was opened by him, nor was such fund opened by Latchanna. He further stated that apart from Rs. 3,500/- provided by him in cash and Rs. 5,000/- being the proceeds of a cheque received by him as donation, a sum of Rs. 6,000/- was handed over to Kavuri Venkaiah and that some postal money orders addressed to him were received by Venkaiah in his absence. Those amounts were sent by his

friends who were interested in him. The total amount that was received by way of donations or contributions from others was Rs. 18,000/- or Rs. 19,000/-. The entire amount was not spent for the election, and Venkaiah who had opened a bank account and kept the amounts in that account, returned the balance to him. According to the respondent the expenses of the election were met out of the amounts maintained in K. Venkaiah's name and not from the monies that belonged to Latchanna or the Swatantra Party or any other person. The case of the respondent was supported by Venkaiah. Latchanna also supported that case. Latchanna, was the President of the State Swatantra Party. He stated that in the general election, the Swatantra Party had spent large amounts of money and had incurred debts, and in order to pay off those debts the party had asked for donations from members of the State Party and also the Central Party, that an appeal was also made to the press to invite donations and also a request was made to the Central Party to make some grants, that in March and April 1967 some amounts were received in respect of which he maintained an account with the State Bank, Srikakulam, and a joint account in the State Bank at Sompeta in the names of his wife and himself, that certain amounts were received in his name by cheques and drafts and they were put in the joint current account at Srikakulam, but not one pie out of this account was used for the bye-election, and out of the amount that was left as balance after discharging debts he paid Rs. 16,000/- for the purchase of a jeep for the Central Party.

A mere general allegation that more than Rs. 3 lakhs were spent by the respondent or his election agent or other persons for the purposes of the election is not sufficient to make out a case under s. 123(6) of the Representation of the People Act, 1951. It is not sufficient merely to allege that large sums of money were spent for the purpose of the election.

It is the case of the respondent that his friends and sympathisers sent him certain sums of money, and that whatever monies were received by him or in the name of his wife or by Venkaiah under his authority remained with Venkaiah. These receipts aggregated to Rs. 19,000 out of which Rs. 15,834-92 were spent for the election. Expenditure, if any, incurred by the party which sponsored the candidature of a candidate cannot be taken into account for the purpose of determining whether the corrupt practice within the meaning of s. 123(7) was committed by the candidate. In *Ramanujam Singh v. Bajinath Singh and others* (1) this Court held that expenditure incurred by persons other than candidate for election purposes will not be taken into account (unless it is incurred by such third person as the candidate's agent) in determining whether a corrupt practice was committed by the candidate: see also *Ram Dayal v. Brinraj Singh* (2) and *Meghraj Patodia v. R. K. Birla* (3). It is true that Latchanna had from time to time withdrawn from the Andhra Bank various amounts of money. Those amounts, he says, were utilised for satisfying the debts of the party incurred in the general elections. There is no evidence to the contrary led by the appellant. Nor is there any evidence to show that the respondent had received any amount in excess of Rs. 19,000/- out of which he claimed he had spent Rs. 15,834-92.

A considerable body of evidence was tendered by the appellant to prove that a large number of vehicles were used for the election campaign of the respondent. Many witnesses were examined to support that case. The High Court made a detailed analysis of the evidence and held that only four vehicles Nos. APK-9486 jeep, (2) APU-7414 Ambassador car (3) APY-7719 Ambassador car and (4) APG-4320 Fiat car, were retained and used for "election purposes" and expenses for purchase of motor-spirit and oil for those vehicles during the election days were shown in the account. Besides this, in the view of the High Court, two more vehicles Nos. APG-2123 and APP-97 were used for some time for the purpose of the election. These two vehicles were taken by Balaram and Chitti Babu once to Kanchilli petrol bunk, and to that extent they may be held to have been used for the errand of the respondent. Taking into account this amount, the total amount in relation to the motor-spirit use for Kanchilli was Rs. 1,141-13. The High Court held that on the evidence, the cash bills which were produced by the appellant in respect of the motor-spirit expenses were not connected with the motor vehicles of the respondent or of his agent or of any vehicles maintained by the respondent for election purposes. The High Court found the books of account of Vijaya Auto Service and the "Petrol Bunk" of Malla Satyanarayana and Brothers at Kanchilli unreliable, and held that only those bill-books may be taken into consideration which recorded transactions signed by persons admitted to be the agents of the respondent. The High Court accordingly held that in addition to the amount admitted by the respondent an amount of Rs. 1,521-21 was proved. No substantial argument was advanced before us challenging the findings recorded by the learned Trial Judge on the question as to the expenditure incurred for the motor vehicles employed in the course of the election of the

respondent, and we see no reason to disagree with the conclusion recorded by the High Court on a very elaborate painstaking analysis of the evidence.

It was urged that as many as 1100 persons were employed by the respondent during the election days in the campaign for the respondent, and besides their remuneration expenses for their boarding and lodging were incurred by the respondent, and that amount was not disclosed in the account filed under s. 77(3). It was the case of the respondent that several persons had worked for the Swatantra Party candidate at the election. According to the rules of the Swatantra Party they worked voluntarily, and no remuneration was paid to any of the workers, because payment of remuneration to any party worker was against the principles of that party. The High Court held that transport charges and expenses for meals for the workers were not incurred by the respondent, but by the Swatantra Party. In argument it was conceded there was nothing to show that any expenditure was incurred by the respondent for those workers. Venkaiah had, it is said, paid under the directions of Latchanna certain amounts of money for the expenses incurred for the workers of the Swatantra Party. But in the absence of any evidence to show that any specific sums of money were expended on certain items by the respondent or his election agent, no conjecture can be permitted to defeat a candidate who has been elected.

Towards the boarding and lodging expenses of the workers, it appears, Simma Jagannadham, President of the District Swatantra Party, had paid Rs. 5,000/- and Rs. 1,200/- after the election. It was proved by the evidence that the party office was in the house of Simma Jagannadham. The workers were lodged and boarded at a place called Sri Venkateswara Lodging and Boarding Lodge at Srikakulam and the expenditure incurred for them was met by Sri Venkateswaram Lodge. The amounts which were paid by Simma Jagannadham were not shown to be paid towards the expenses of lodging and boarding of the workers at Sri Venkateswara Lodge. The Manager of Sri Venkateswara Lodge apparently boarded and lodged those workers free of charge. In the absence of any reliable evidence to the contrary, the finding of the High Court that no expenditure was incurred in respect of those workers by the respondent must be accepted.

The appellant's case that expenditure was incurred for "Wall Posters" and for printings, distributing and exhibiting them amounting to Rs. 2,081/- was not proved, nor was the case about the expenditure incurred in respect of "cycle-rickshaws and jutkas" pressed before us. Even if it be granted that an amount of Rs. 500/- which was incurred for purchasing voters' lists be taken into account the total amount proved to have been expended by the respondent does not exceed Rs. 25,000/- prescribed under the Act.

We have carefully considered the evidence in the light of the arguments advanced at the Bar, and we are of the view that no case is made out for our interference with the conclusion recorded by the High Court.

The appeal fails and is dismissed with costs.

Sd/- J. C. SHAH, J.

New Delhi,
October 16, 1970.

Sd/- A. N. GROVER, J.

[No. 82/AP/20/67.]

By Order,

ROSHAN LAL, Secy.

ORDERS

New Delhi, the 25th November 1970

S.O. 2.—Whereas Election Commission is satisfied that Shri Laxman Prasad Gupta, S/O Shri Badri Prasad, General Ganj, Laxmi Cottage, Mathura, District Mathura, Uttar Pradesh, a contesting candidate for Mid-term general election, 1969 to the Uttar Pradesh Legislative Assembly from 366-Mathura Assembly Constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Laxman Prasad Gupta, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/366/69(159).]

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 25 नवम्बर, 1970

एस० श्री० 2.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यावधि साधारण निर्वाचन 1969 के लिए 366-मथुरा सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री लक्ष्मन प्रसाद गुप्ता सुपुत्र श्री ब्रदी प्रसाद जनरल गंज, लक्ष्मी काटेज, मथुरा लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति में अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

2. और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

3. अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वशात् उक्त श्री लक्ष्मन प्रसाद गुप्ता को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख तीन वर्षों का कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/366/69(159)]

S.O. 3.—Whereas the Election Commission is satisfied that Shri Mool Chand, S/O Shri Pyare Lal, R/O village and Post Office Barsana, District Mathura, Uttar Pradesh, a contesting candidate for Mid-term General Elections 1969 to the Uttar Pradesh Legislative Assembly from 367 Chhata Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mool Chand, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/367/69(160).]

एस० श्री० 3.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यावधि साधारण निर्वाचन 1969 के लिए 367-छाता सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मूल चन्द सुपुत्र श्री प्यारे लाल, निवासी ग्राम और पौ० बरसाना, जिला मथुरा, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

2. और यह, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

3. अतः, अतः, उक्त अधिनियम, की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्-द्वारा उक्त श्री सुख राम को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/367/69(160)]

S.O. 4.—Whereas the Election Commission is satisfied that Shri Kanhi, S/O Shri Sukh Ram, Nagla Mewa, Sahpau, Tahsil Sadabad, District Mathura, Uttar Pradesh, a contesting candidate for Mid-term General Elections 1969 to the Uttar Pradesh Legislative Assembly from 370-Sadabad Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kanhi, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/370/69(161).]

एत० अ० 4.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मन्तव्य साधारण निर्वाचन 1969 के लिए 370-सादाबाद सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कन्हो सुपुत्र श्री सुखराम निवासी नंगला मेवा, तहसील सादाबाद जिला मथुरा, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अश्लेषित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

2. और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

3. अतः, अतः, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्-द्वारा उक्त श्री कन्हो को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/370/69(161)]

New Delhi, the 30th November 1970

S.O. 5.—Whereas the Election Commission is satisfied that Shri Tulsi, S/O Shri Chola, R/O village Aurahia, Post Office Maniram, District Gorakhpur, Uttar Pradesh, a contesting candidate for mid-term general election, 1969 to the Uttar Pradesh Legislative Assembly from 191-Maniram Assembly Constituency, has failed to lodge an account of his election expenses within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notices has failed to file an affidavit in support of his statement that he lost his election papers and also to

give any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failures;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Tulsi, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/191/69(162).]

नई दिल्ली, 30 नवम्बर 1970

ए। ओ. 5.—या: निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए पञ्चायति साधारण निर्वाचन 1969 के लिए 191-मन्तीराम सभा निर्वाचन क्षेत्र से आया उम्मीदवार श्री तुलसी सुपुत्र श्री चोलाई, निवासी गांव अवरहिवा, डाकघर मन्तीराम जिला गोरखपुर, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदर्थी बनाए गए नियमों द्वारा प्रोक्त समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

2. और या: उक्त उम्मीदवार, उसे सम्यक सूचना दिए जाने पर भी अपने इन कथन के समर्थन में कि उसके निर्वाचन संबंधी कागज खो गए हैं कोई शपथ पत्र दाखिल करने तथा अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण देने में असफल रहे हैं और निर्वाचन आयोग का यह संतुष्ट हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

3. या: अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एाद्न द्वारा उक्त श्रुतुसो को पंचद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से ती वर्ष की का पञ्चायति के लिए निरहित घोषित करता है ।

[पं० उ० प्र०-वि०स०/191/69(162)]

New Delhi, the 7th December 1970

S.O. 6.—Whereas the Election Commission is satisfied that Shri Baijnath Prasad Kushwaha, S/O Shri Madho Prasad, R/O 91, Naya Pura Kareli, Post Office Ahmedganj, District Allahabad, Uttar Pradesh, a contesting candidate for the mid-term general election 1969 to the Uttar Pradesh Legislative Assembly from 282-Allahabad West Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Baijnath Prasad Kushwaha, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/282/69(164).]

By Order,

A. N. SEN, Secy.

नई दिल्ली, 7 दिसम्बर, 1970

ए० अ० 6—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यावधि साधारण निर्वाचन 1969 के लिए 282-इलाहाबाद परिचरम सभा निर्वाचन क्षेत्रों के चुनाव लड़ने वाले उम्मीदवार श्री ब्रजनाथ प्रसाद कुशवाहा सुपुत्र श्री माधो प्रसाद 91 नया पुरा फरेली, डा० अहमद गंज जिला इलाहाबाद, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा अधिनियम बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

2. और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

3. अतः, अब, उक्त अधिनियम की धारा 10-क के अन्वय में निर्वाचन आयोग एतद् द्वारा उक्त श्री ब्रजनाथ प्रसाद कुशवाहा को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्यों के विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ०प्र०-वि०स०/282/69(164)]

आदेश से,

ए० एन० सेन, रजिस्ट्रार

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 18th November 1970

S.O. 7.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri D. R. Bansal, Assistant in the Embassy of India, Mogadiscio to perform the duties of a Consular Agent, with immediate effect, until further orders.

[No. T. 4330/2/70.]

विदेश मंत्रालय

नई दिल्ली, 18 नवम्बर, 1970

एस० अ० 7:—राजनयिक एवं कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 के खण्ड 2 धारा (क) के प्रावधान में, केंद्र सरकार इसके द्वारा भारतीय राजदूतावास, भोगादिशू में सहायक श्री डी० आर० बंसल को इसी समय से अगला आदेश होने तक कौंसली अधिकारों का कार्य करने का अधिकार देती है।

[सं० टी० 4330(2)/70]

New Delhi, the 21st December 1970

S.O. 8.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri M. K. Malik, Assistant in the Consulate of India, Khorramshahr to perform the duties of a Consular Agent, with effect from the 7th December 1970, until further orders.

[No. T. 4330(2)/70.]

नई दिल्ली, 21 दिसम्बर, 1970

एस० ओ० 8.—राजनयिक एवं कौंसली अधिकारी (शपथ एवं फीस) अधिनियम, 1948 की धारा 2 के खण्ड (क) के अनुसरण में, केन्द्रीय सरकार, खुर्रमशहर में भारतीय कौंसलावास में सहायक, श्री एम० के० मलिक को इसके द्वारा, 7 दिसम्बर, 1970 से आगामी आदेश होने तक, कौंसली अभिकर्ता का कार्य करने के लिए प्राधिकृत करती है।

[स० टी० 4430/2/70]

S.O. 9.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri B. B. Rai, Assistant in the Vice-Consulate of India, Geneva, to perform the duties of a Consular Agent, with immediate effect until further orders.

[No. T. 4330(2)/70.]

P. C. BHATTACHARJEE, Under Secy.

एस० ओ० 9.—राजनयिक एवं कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 की धारा 2 के खण्ड (क) के अनुसरण में, केन्द्रीय सरकार, जेनेवा भारतीय उपकौंसलावास में सहायक श्री बी०बी० राय को, इसके द्वारा इसी समय से, आगामी आदेश होने तक, कौंसली अभिकर्ता का कार्य करने के लिए प्राधिकृत करती है।

[स० टी० 4330(2)/70]

नई दिल्ली, 18 नवम्बर, 1970

एस० ओ० 3902—राजनयिक एवं कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1958 के खण्ड 2 धारा (क) के अनुपालन में, केन्द्र सरकार, इसके द्वारा भारतीय राजदूतावास, कुवैत, में सहायक श्री ए० एन० सचर को इसी समय से अंगला आदेश होने तक कौंसली अभिकर्ता का कार्य करने का अधिकार देती है।

[स० टी० 4330/2/70]

पी० सी० भट्टाचार्य,
अवर सचिव।

CABINET SECRETARIAT

(Department of Personnel)

New Delhi, the 19th December 1970

S.O. 10.—In exercise of the powers conferred by section 3 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby specifies the following offences as the offences which are to be investigated by the Delhi Special Police Establishment, namely:—

- (a) offences punishable under sections 114 and 456 of the Indian Penal Code (45 of 1860);
- (b) attempts, abettments and conspiracies in relation to or in connection with one or more of the offences mentioned in clause (a) and any other offence committed in the course of the same transaction arising out of the same facts.

[No. 228/9/70-AVD II.]

संजीव-दल सचिवालय

(कर्मिक विभाग)

नई दिल्ली, 19 दिसम्बर, 1970

क्र० अ० 10—दिल्ली विशेष पुलिस स्थापन अधिनियम 1946 (1946 का 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित अपराधों की उन अपराधों के रूप में विनिर्दिष्ट करती है जिनका अन्वेषण दिल्ली विशेष पुलिस स्थापन द्वारा किया जाना है, अर्थात्:—

- (क) भारतीय दण्ड संहिता (1860 का 45) की धारा 114 और 456 के अधीन दण्डनीय अपराध।
- (ख) खण्ड (क) में वर्णित एक या अधिक अपराधों तथा एक ही तथ्यों से उत्पन्न एक ही संव्यवहार के अनुक्रम में किए गए किसी अन्य अपराध के बारे में या के सम्बन्ध में प्रयत्न दुष्प्रकरण और षड्यन्त्र।

[संख्या 228/(9)/70—ए०वी०डी०—11]

ORDER

New Delhi, the 19th December 1970

S.O. 11.—In exercise of the powers conferred by sub-section (1) of section 5, read with section 6, of the Delhi Special Police Establishment Act, 1946 (25 of 1946), and of all other powers enabling it in this behalf, the Central Government with the consent of the Government of the State of Assam, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the State of Assam for the investigation of offences punishable under sections 114 and 456 of the Indian Penal Code (45 of 1860), regarding the circumstances of the alleged trespass into the office of the Survey of India at Shillong on the 21st November, 1970.

[No. 228/9/70-AVD.II.]

P. B. RAJAGOPALAN, Dy. Secy.

आदेश

नई, दि० 19 दिसम्बर, 1970

क्र० अ० 11.—दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा आसाम राज्य की सरकार की सहमति से, दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का, भारतीय दण्ड संहिता (1860 का 45) की धाराओं 114 और 456 के अधीन दण्डनीय अपराधों, जिनका सम्बन्ध भारतीय सर्वेक्षण के शिलांग स्थित कार्यालय में 21 नवम्बर, 1970 को हुई अनाधिकार-प्रवेश की घटना से है, का अन्वेषण करने के लिए, आसाम राज्य में विस्तार करती है।

[संख्या 228(9)/70—ए०वी०डी०—11]

पि० ब० राजगोपालन,

अवर सचिव ।

MINISTRY OF HOME AFFAIRS

New Delhi, the 21st December 1970

S.O. 12.—In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby extends upto the 30th June, 1971, the period within which the Commission of Inquiry appointed by the Government of India in the Ministry of Home Affairs by notification No. S.O. 2375, dated the 11th July, 1970 shall make its report to the Central Government.

[No. 25/14/70-Poll-II.]

R. VASUDEVAN, Dy. Secy.

गृह मंत्रालय

नई दिल्ली, 21 दिसम्बर, 1970

का० प्रा० 12—जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने एतद्वारा वह अधि जिसमें भारत सरकार द्वारा गृह मंत्रालय में अधिसूचना सं० का० प्रा० 2375 दिनांक 11 जुलाई, 1970 द्वारा नियुक्त जांच आयोग सरकार को अपना प्रतिवेदन देगा, 30 जून, 1971 तक बढ़ा दी है।

[संख्या 25/14/70—पोल-II]

आर० वासुदेवन उप सचिव।

MINISTRY OF FINANCE

(Department of Banking)

New Delhi, the 19th December 1970

S.O. 13.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 7 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) the Central Government, in consultation with the Reserve Bank of India, hereby appoints Shri V. M. Bhide, Additional Secretary, Department of Banking, Ministry of Finance, New Delhi as a member of the First Board of Directors of the Central Bank of India in place of Shri S. S. Shiralkar with immediate effect.

[No. F. 2(7)PSB-NB/70.]

D. N. GHOSH, Director.

वित्त मंत्रालय

(बैंकिंग विभाग)

नयी दिल्ली, 19 दिसम्बर, 1970

एस० प्रा० 13.—बैंकिंग समवाय (उपक्रमों का अधिग्रहण और अन्तरण) अधिनियम, 1970 (1970 का 5वां) की धारा 7 की उप-धारा 3 के खण्ड (क) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सलाह से एतद्वारा वित्त मंत्रालय नयी दिल्ली के बैंकिंग विभाग के अपर-सचिव श्री बी०एस० भिडे को प्राज से श्री एस०एस० शिरालकर के स्थान पर सेंट्रल बैंक आफ इण्डिया के निदेशकों के प्रथम बोर्ड का सदस्य नियुक्त करती है।

[संख्या एक० 2(7) पी०एस०बी०-एन०बी०/70]

डी० एन० घोष, निदेशक

(Department of Banking)

New Delhi, the 21st December 1970

S. O. 14—Statement of the Affairs of the Reserve Bank of India, as on the 11th December, 1970

BANKING DEPARTMENT

LIABILITIES		Rs.	ASSETS		Rs.
Capital Paid Up		5,00,00,000	Notes		18,41,42,000
			Rupee Coin		3,48,000
Reserve Fund		150,00,00,000	Small Coin		4,18,000
National Agricultural Credit (Long Term Operations) Fund		172,00,00,000	Bills Purchased and Discounted :—		
			(a) Internal . . . . .		..
			(b) External . . . . .		..
			(c) Government Treasury Bills		23,42 83,000
National Agricultural Credit (Stabilisation) Fund		37,00,00,000	Balances Held Abroad*		101,58,00,000
National Industrial Credit (Long Term Operations) Fund		95,00,00,000	Investments**		93,64,08,000
			Loans and Advances to :—		
			(i) Central Government . . . . .		..
			(ii) State Governments @		157,90,09,000
Deposits :—			Loans and Advances to :—		
			(i) Scheduled Commercial Banks†		208 27,90,000
(g) Government :—			(ii) State Co-operative Banks††		286,62,84,000
(f) Central Government		153,11,99,000	(iii) Others		4,09,95,000

Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—

(d) State Governments	7,71,26,000	(a) Loans and Advances to :—	
		(i) State Governments	34,33,19,000
		(ii) State Co-operative Banks	21,59,08,000
		(iii) Central Land Mortgage Banks . . . . .	..
(b) Banks—		(b) Investment in Central Land Mortgage Bank Debentures	9,57,02,000
(i) Scheduled Commercial Banks	184,77,27,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks	8,44,64,000	Loans and Advances to State Co-operative Banks	5,33,93,000
(iii) Non-Scheduled State Co-operative Banks	70,66,000		
(iv) Other Banks	29,83,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(c) Others	90,09,99,000	(a) Loans and Advances to the Development Bank	27,66,71,000
Bills payable	51,14,26,000	(b) Investment in bonds/debentures issued by the Development Bank	
Other Liabilities	72,51,64,000	Other Assets	35,26,84,000
Rupees	1027,81,54,000	Rupees	1027,81,54,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit Long Term Operations) Fund.

② Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary over-drafts to State Governments.

†Includes Rs. 71,04,25,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 16th day of December 1970.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 11th day of December, 1970.
ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	18,41,42,000		Gold Coin and Bullion :—		
			(a) Held in India	182,53,11,000	
Notes in circulation	<u>4068,05,33,000</u>		(b) Held outside India . . . .	..
Total Notes issued		4086,46,75,000	Foreign Securities	<u>356,42,00,000</u>	
			TOTAL		538,95,11,000
			Rupee Coin		55,19,27,000
			Government of India Rupee Securities		3492,32,37,000
			Internal Bills of Exchange and other commercial paper . . . .		..
TOTAL LIABILITIES		<u>4086,46,75,000</u>	TOTAL ASSETS		<u>4086,46,75,000</u>

Dated the 16th day of December, 1970.

(Sd.) S. JAGANNATHAN,
Governor.

[No. F. 3 (3)-BC/70.]

K, YESURATNAM, Under Secy.

(बैंकिंग विभाग)

नई दिल्ली, 21 दिसम्बर, 1970

एस० ओ० 14.—11 दिसम्बर, 1970 को रिजर्व बैंक आफ इंडिया के बैंकिंग विभाग के कार्याकलाप का विवरण ।

देयताएं	रुपये	प्राप्तियां	रुपये
चुक्ता पूंजी	5,00,00,000	नोट	18,41,42,000
भारक्षित निधि	150,00,00,000	रुपये का सिक्का	3,48,000
		छोटा सिक्का	4,18,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि	172,00,00,000	खरीदे और भुनाये गये बिल:—	
राष्ट्रीय कृषि ऋण (स्विकारण) निधि	37,00,00,000	(क) देशी . . . . .	..
		(ख) विदेशी . . . . .	..
		(ग) सरकारी खजाना बिल	23,42,83,000
राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि	95,00,00,000	विदेशों में रखा हुआ बकाया*	101,58,00,000
जमा-राशियां :—		निवेश**	93,64,08,000
(क) सरकारी		ऋण और प्रभिम :—	
(i) केन्द्रीय सरकार	153,11,99,000	(i) केन्द्रीय सरकार को . . . . .	..
(ii) राज्य सरकारें	7,71,26,000	(ii) राज्य सरकारों को@	157,90,09,000
(ख) बैंक		ऋण और प्रभिम :—	
(i) अनुसूचित वाणिज्य बैंक	184,77,27,000	(i) अनुसूचित वाणिज्य बैंकों को†	208,27,90,000
(ii) अनुसूचित राज्य सहकारी बैंक	8,44,64,000	(ii) राज्य सहकारी बैंकों को††	286,62,84,000
		(iii) दूसरों को	4,09,95,000
		राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से ऋण, प्रभिम और निवेश	

देयताएं	रुपये	प्राप्तियां	रुपये
		(क) ऋण और अग्रिम :-	
(iii) पैर-अनुसूचित राज्य सहकारी बैंक	70,66,000	(i) राज्य सरकारों को	34,33,19,000
(iv) अन्य बैंक	29,83,000	(ii) राज्य सहकारी बैंकों को	21,59,08,000
(ग) अन्य	90,09,99,000	(iii) केन्द्रीय भूमिबन्धक बैंकों को	..
		(ख) केन्द्रीय भूमिबन्धक बैंकों के डिबेंचरों में निवेश राष्ट्रीय कृषि ऋण (स्वरीकरण) निधि से ऋण और अग्रिम	9,57,02,000
देय बिल	51,14,26,000	राज्य सहकारी बैंकों को ऋण और अग्रिम राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि से ऋण, अग्रिम और निवेश	5,33,93,000
अन्य देयताएं	72,51,64,000	(क) विकास बैंक को ऋण और अग्रिम	27,66,71,000
		(ख) विकास बैंक द्वारा जारी किए गए बांडों/डिबेंचरों में निवेश अन्य प्राप्तियां	35,26,84,000
रुपये	1027,81,54,000	रुपये	1027,81,54,000

*नकदी, आवधिक जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

**राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि में से किए गए निवेश शामिल नहीं हैं।

@राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं, परन्तु राज्य सरकारों के अस्थायी ओवरड्राफ्ट शामिल हैं।

†रिजर्व बैंक ऑफ इण्डिया अधिनियम की धारा 17 (4) (ग) के अधीन अनुसूचित वाणिज्य बैंकों को मियादी बिलों पर अग्रिम दिये गये 71,04,25,000 रुपये शामिल हैं।

††राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय कृषि ऋण (स्वरीकरण) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं।

तारीख : 16 दिसम्बर, 1970।

रिर्व बैंक ऑफ इंडिया अधिनियम, 1934 के अनुसरण में दिसम्बर, 1970 की 11 तारीख को समाप्त हुए सप्ताह के लिये लेखा

इस विभाग

देयताएं	रुपये	रुपये	प्राप्तियां	रुपये	रुपये
बैंकिंग विभाग में रखे हुए			सोने का सिक्का प्रौर बुलियन:—		
नोट	18,41,42,000		(क) भारत में रखा हुआ	182,53,11,000	
संचलन में नोट	4068,05,33,000		(ख) भारत के बाहर रखा		
			हुआ		
			विदेशी प्रतिभूतियां	356,42,00,000	
जारी किए गए कुल नोट		4086,46,75,000			
			जोड़		538,95,11,000
			रुपये का सिक्का		55,19,27,000
			भारत सरकार की रुपया		
			प्रतिभूतियां		3492,32,37,000
			देशी विनिमय बिल और		
			दूसरे बाणिज्य-पत्र		
कुल देयताएं		4086,46,75,000	कुल प्राप्ति		4086,46,75,000

तारीख 16 दिसम्बर, 1970।

एस० जगन्नाथन,
महानिरीक्षक।

[सं० एक० 3 (3)-बी० सी०/70]

के० येसूरात्म, अनु-सचिव।

(Department of Banking)

(Corporations Branch)

New Delhi, the 18th December 1970

S.O. 15.—In pursuance of clause (b) of sub-section (1) of section 10 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government hereby nominates Shri B. D. Pande, Secretary to the Government of India, Department of Industrial Development, Ministry of Industrial Development & Internal Trade, as a Director of the the Industrial Corporation of India vice Shri T. Swaminathan.

[No. F. 2(78)-Corp/70.]

D. K. SEN, Under Secy.

(बैंकिंग विभाग)

(निगम शाखा)

नई दिल्ली, 18 दिसम्बर, 1970

क्रा० प्रा० 15.—औद्योगिक वित्त निगम अधिनियम, 1948 (1948 का 15 वां) की धारा 10 की उपधारा (1) के खण्ड (ख) का अनुसरण करते हुए केन्द्रीय सरकार एतद्वारा औद्योगिक विकास और आन्तरिक व्यापार मंत्रालय के औद्योगिक विकास विभाग के भारत सरकार के सचिव श्री बी०डी० पांडे को श्री टी० स्वामीनाथन के स्थान पर भारतीय औद्योगिक वित्त निगम का निदेशक नामित करती है।

[सं० एक० 2(78)-कारपोरेशन/70]।

डी० के० सेन, अनु-सचिव।

(Department of Revenue and Insurance)

(INCOME-TAX)

New Delhi, the 23rd October 1970

S.O. 16.—In exercise of the powers conferred by sub-section (2)(b) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Shri Satya Gnana Sabai, Vadalar Cuddalore Dist. to be of archaeological and artistic importance for the purposes of the said section.

[No. 172(F. No. 176/14/70-IT(AI)).]

L. N. GUPTA, Under Secy.

(राजस्व और बीमा विभाग)

(आयकर)

नई दिल्ली, 23 अक्तूबर, 1970

क्रा० प्रा० 16.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80 छ की उपधारा (2) (ख) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री सत्यशाम सबाई, बडालार, कुड्डलोर जिला की उक्त धारा के प्रयोजन के लिए पुरातात्विक और कलात्मक महत्व का घोषित करती है।

[सं० 172 (एक० सं० 176/14/70-आई० टी० (ए० 1)]

एल० एन० गुप्ता, अधर सचिव।

(Department of Revenue and Insurance)

(INCOME-TAX)

New Delhi, the 24th October 1970

S.O. 17.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Govt. hereby authorises Shri B. R. Sant, who is a Gazetted Officer of the Central Government to exercise the powers of a Tax Recovery Officer under the said Act.

2. This notification shall come into force on 26th October, 1970.

[No. 173(F. No. 404/167/70-ITCC.)]

R. D. SAXENA, Dy. Secy.

(राजस्व और बीमा विभाग)

आयकर

नई दिल्ली, 24 अक्टूबर, 1970

एम० ओ० 17.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री बी० आर० सन्त को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अधीन कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए एतद्वारा प्राधिकृत करती है।

2. यह अधिसूचना 26 अक्टूबर, 1970 को प्रवृत्त होगी।

[सं० 173/फा० सं० 404/167/70-आई टी सी सी]

आर० डी० सक्सेना, उप सचिव

(Department of Revenue and Insurance)

New Delhi, the 8th December 1970

S.O. 18.—In exercise of the powers conferred by clause (q) of sub-section (1) of section 27A of the Insurance Act, 1938 (4 of 1938) as applied to the Life Insurance Corporation of India by notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. G.S.R. 734, dated the 23rd August, 1958, the Central Government hereby declares loans to the Housing & Urban Development Finance Corporation Pvt. Ltd. as approved investments for the purposes of the above section.

[No. F. 8(27)-Ins. II/70.]

R. K. MAHAJAN, Dy. Secy.

(राजस्व और बीमा विभाग)

नई दिल्ली, 8 दिसम्बर, 1970

फा० आ० 18.—भारत सरकार, विस्त मंत्रालय (अर्थ कार्य विभाग) की अधिसूचना सं० सा० फा० नि 734, तारीख 23 अगस्त, 1958 द्वारा भारत के जीवन बीमा निगम को यथा लागू बीमा अधिनियम, 1938 (1938 का 4) की धारा 27 क की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा हाउसिंग एण्ड अर्बन डेवलपमेन्ट फाइनेंस कारपोरेशन प्राइवेट लिमिटेड को दिए गए उधारों को उपर्युक्त धारा के प्रयोजनों के लिए अनुमोदित विनिधान घोषित करती है।

[सं० फा० 8 (27)-बीमा II/70]

आर० के० महाजन, उप सचिव।

(Department of Revenue and Insurance)

New Delhi, the 10th December 1970

S.O. 19.—In exercise of the powers conferred by section 114 of the Gold Control Act, 1968 (45 of 1968), the Central Government hereby makes the following rules to amend the Gold Control (Forms, Fees and Miscellaneous Matters) Rules, 1968, namely:—

1. (1) These rules may be called the Gold Control (Forms, Fees and Miscellaneous Matters) Amendment Rules, 1970.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 11 of the Gold Control (Forms, Fees and Miscellaneous Matters) Rules, 1968, in sub-rule (2), for the words "twelve months", the words "five years" shall be substituted.

[No. F.1/185/67-GC.II.]

R. C. MISRA, Dy. Secy.

(राजस्व और बीमा विभाग)

नई दिल्ली, 10 दिसम्बर, 1970

एस० नो० 19.—स्वर्ण नियंत्रण अधिनियम, 1968 (1968 का 45) की धारा 114 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा स्वर्ण नियंत्रण (प्ररूप, फीस और घन प्रकीर्ण मामले) नियम, 1968 में संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) ये नियम स्वर्ण नियंत्रण (प्ररूप, फीस और प्रकीर्ण मामले) संशोधन नियम, 1970 कहे जा सकेंगे।

(2) ये शासकीय राजपत्र में अपने प्रकाशन की तारीख को प्रवृत्त होंगे।

2. स्वर्ण नियंत्रण (प्ररूप, फीस और प्रकीर्ण मामले) नियम, 1968 के नियम 11 में, उप-नियम (2) में "बारह मास" शब्दों के स्थान पर "पांच वर्ष" शब्द प्रतिस्थापित किए जाएंगे।

[सं० एफ० 1/185/67-जी०सी० II]

आर० सी० मिश्रा, उप सचिव।

(Department of Revenue and Insurance)

NOTICE

New Delhi, the 16th December 1970

Appointment of valuers u/s 4(3) of the Estate Duty Act, 1953

S.O. 20.—The following additions to this Ministry's Notice No. 5/77/68-E.D. dated the 6th July 1968 are hereby notified for general information:—

The Central Government propose to appoint qualified persons as Valuers for Rubber Estates. The persons so appointed will be categorised as "Specialist in Rubber Plantation". Accordingly, in para 2 of the said Notice after S. No. 12, the following shall be added—

13. "Rubber Plantation"

In order that a persons may be eligible for appointment as a Valuer in this category he must satisfy the qualifications mentioned below:—

(1) The Valuer must be the owner or manager of Rubber Plantation of the size of 100 acres;

and

(2) he must have at least seven years' experience in rubber plantation line. This will appear as item (XI) of para 3, of the said Notice.

2. The other conditions mentioned in the earlier Notice including the scale of charges fixed for remuneration of valuers remain unchanged.

[No. 300/1483/70-E.D.]

BALBIR SINGH, Dy. Secy.

(राजस्व और बीमा विभाग)

सूचना

नई दिल्ली, 16 दिसम्बर, 1970

संपदा शुल्क अधिनियम, 1953 की धारा 4(3) के अधीन मूल्यांककों की नियुक्ति

एस० नो० 20.—इस मंत्रालय की सूचना सं० 5/77/68 ई० डी० तारीख 6 जुलाई, 1968 में निम्नलिखित परिबर्धन सर्व साधारण की जानकारी के लिए एतद्वारा अधिसूचित किए जाते हैं :—

केन्द्रीय सरकार अहित व्यक्तियों को रबड़ संपदाओं के लिए मूल्यांककों के रूप में नियुक्त करने की प्रस्थापना करती है। इस प्रकार नियुक्त व्यक्ति “रबड़ बागान में विशेषज्ञ” के रूप में प्रवर्गीकृत किए जायेंगे। तदनुसार, उक्त सूचना के पैरा 2 में क्रम संख्या 12 के पश्चात् निम्नलिखित जोड़ा जाएगा अर्थात् :—

13. रबड़ बागान

इस प्रवर्ग में मूल्यांकक के रूप में नियुक्ति के लिए पात्र होने के लिए किसी व्यक्ति को निम्न वर्णित अर्हताएं अवश्य पूरी करनी चाहिए :—

(1) मूल्यांकक 100 एकड़ के आकार के रबड़ बागान का स्वामी या प्रबन्धक होना चाहिए;

और

(2) उसे रबड़ बागान के काम का कम से कम सात वर्ष का अनुभव होना चाहिए।

यह उक्त सूचना के पैरा 3 की संद (11) के रूप में होगा।

2 पूर्वोक्त सूचना में वर्णित अन्य शर्तें, जिनमें मूल्यांककों के पारिश्रमिक के लिए नियत प्रभार सम्मिलित है, अपरिवर्तित रहेंगी।

[सं० 300/1483/70 ई० डी०]

बलबीर सिंह, उप सचिव।

CENTRAL BOARD OF DIRECT TAXES

(INCOME-TAX)

New Delhi, the 3rd October 1970

S.O. 21.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the Schedule appended to its Notification No. 20(F. No. 55/1/62-IT), dated the 30th April, 1963 published as S.O.

1293 on pages 1454-1457 of the Gazette of India Part II Section 3 sub-section (II) dated the 11th May, 1963 as amended from time to time:

Against S. No. 9-B, Madras-II, under Column 3 of the Schedule appended thereto; the following shall be added:

27. Refund Circle, Madras.

This notification shall come into force with immediate effect.

[No. 163./F. No. 187/11/70-IT(AI).]

L. N. GUPTA, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

(आयकर)

नई दिल्ली, 3 अक्टूबर, 1970

का० आ० 21.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड समय समय पर यथा संशोधित अपनी अधिसूचना सं० 20 (एफ० सं० 55/2/62-आई० टी०) तारीख 30 अप्रैल, 1963 से संलग्न अनुसूची में, जो भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 11 मई, 1963, के पृष्ठ 1454-1457 पर का० आ० 1293 के रूप में प्रकाशित हुई थी, निम्नलिखित संशोधन करती है।

क्रम सं० 9-ख, मद्रास II, के सामने, उससे संलग्न अनुसूची के स्तम्भ 3 के नीचे, निम्नलिखित जोड़ दिया जायेगा :

27. वापसी सर्किल, मद्रास

यह अधिसूचना तुरन्त प्रवृत्त होगी।

[सं० 163-एफ० सं० 187/11/7-आई० टी० (ए० 1)]

एल० एन० गुप्ता, अवर सचिव।

MINISTRY OF FOREIGN TRADE

New Delhi, the 15th December 1970

S.O. 22.—In pursuance of Rule 7 of the Export of Mica (Inspection) Rules, 1969, the central Government hereby makes the following amendment in the Notification of the Government of India, in the late Ministry of Commerce S.O. 1111, dated 25th March, 1967, namely:—

In the said Notification, in the Table—

for item (v) and (vii) of the entry under column 2 against serial No. IV. Export Inspection Agency, Calcutta at Kodarma, the following shall be substituted, namely—

“(V) Shri S. P. Bhadani, M/s. Chotturam Horiram Pvt. Ltd., P.O. Jhumritelaiya, Dist. Hazaribagh, Bihar.

(VII) Shri Jagdish Prakash Daruka, M/s. Daruka & Company, Kodarma. Bihar. Convener.

[No. 60(71)/EIEP/68]

K. C. SEKHARAN, Dy. Dir. (Export Promotion)

विदेशी व्यापार बंधास्य

नई दिल्ली, 15 दिसम्बर, 1970

का० आ० 22.—नजरु का निर्यात (निरीक्षण) नियम, 1969 के नियम 7 के अनुसरण में केन्द्रीय सरकार, भारत सरकार के भूतपूर्व वाणिज्य मंत्रालय की अधिसूचना संख्या का० आ० 111 दिनांक 25 मार्च, 1967 में एतद्वारा निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, सारिणी में:—

क्रमांक 4 कोडरमा में स्थित निर्यात निरीक्षण अभिकरण, कलकत्ता के सामने स्तम्भ 2 के अन्तर्गत प्रविष्टि की मद (5) तथा (7) के स्थान पर निम्नलिखित प्रतिस्थापित किया जायगा, अर्थात् :—

(5) श्री एस० पी० मदाना,
मेसर्स छोटूराम होरीराम प्रा० लि०,
पो० आ० सुमरीतलैया,
जिला हजारी बाग, बिहार ।

(7) श्री जगदीश प्रकाश दरुका,
मेसर्स दरुका, एण्ड कम्पनी,
कोडरमा, बिहार ।

संयोजक ।

[सं० 60(71)/ई० आई० ई० पी०/68]

के० सी० शेखरन, उप-निदेशक ।

(निर्यात संवर्धन)

CARDAMOM CONTROL

New Delhi, the 16th December 1970

S.O. 23.—In pursuance of clause (c) of sub-section (3) of section 4 of the Cardamom Act, 1965 (42 of 1965) read with rule 5 of the Cardamom Rules, 1966, the Central Government hereby notifies that Sarvashri K. M. Abraham and A. C. George, Members of Parliament, have been elected by the Lok Sabha as members of the Cardamom Board, with effect from the 19th November, 1970.

[No. 29(88)Plant(B)/68-III.]

N. N. MALHAN, Dy. Director.

(इलायची नियंत्रण)

नई दिल्ली, 16 दिसम्बर, 1970

सा० आ० 23.—इलायची नियम, 1966 के नियम 5 के साथ पठित इलायची अधिनियम, 1965 (1965 का 42) की धारा 4 की उपधारा (3) के खण्ड (ग) के अनुसरण में केन्द्रीय सरकार एतद्वारा अधिसूचित करती है कि सर्वश्री के० एम० अब्राहम तथा ए० सी० जार्ज, संसद सदस्य, लोक सभा द्वारा 19 नवम्बर, 1970 से इलायची बोर्ड के सदस्यों के रूप में निर्वाचित किए गए ह ।

[सं० 29(88) प्लांट (बी)/68-III.]

एन० एन० मल्हन, उप-निदेशक ।

New Delhi, the 31st August 1970

CORRIGENDUM to Notification No. 9(102)/69-Tex-I, dated the 6th February, 1970

S.O. 24.—In paragraphs 9A (ii)(d) and 9 B(ii)(C) the following may be amended to read as under:—

For "One layer of hessian of 400 grms/1.8 metre"

Read "One layer of hessian of 440 grms/1.8 metre".

[No. 9(102)/70-Tex-I.]

DAULAT RAM, Under Secy.

नई दिल्ली, 31 अगस्त, 1970

अधिसूचना सं० 9(102)/69-टैक्स 1 दिनांक 6 फरवरी, 1970 का शुद्धि-पत्र।

एस० नो० 24.—पैरा 9क (ii) (घ) तथा 9 ख(ii) (ग) में निम्नलिखित को संशोधित करके निम्नोक्त रूप में पढ़ा जाये :

"400 ग्राम/1.8 मीटर हैसियन की एक परत" के स्थान पर "440 ग्राम/1.8 मीटर हैसियन की परत" पढ़े।

[सं० 9(102)/70 टैक्स-1]

दौलत राम, अवर सचिव।

(Office of the Jt. Chief Controller of Imports and Exports)
(Central Licensing Area)

ORDERS

New Delhi, the 21st April 1970

S.O. 25.—M/s. Chand Parkash & Co. 2170-Tilak Bazar, Delhi were granted permit No. P/E/0172801 dated 25th October 1969 valued Rs. 20,000 for import of Fresh Fruits (Grapes) from Afghanistan under the Indo-Afghan Trade Arrangement 1969-70. They have applied for the duplicate copy of Exchange Control copy of the said permit on the ground that the original copy has been lost/misplaced after having been registered with Hussainiwala, Ferozepur Custom House and utilised fully.

In support of their declaration, the party has filed an affidavit duly attested by Notary stating that Exchange Control copy of the said permit has been lost/misplaced.

I am satisfied that Exchange Control copy of permit No. P/E/0172801 dated 25th October, 1969 has been lost/misplaced and direct that duplicate copy of Exchange Control copy of the same may be issued to the applicant.

The Original Exchange Control purposes copy of the permit is hereby cancelled.

[No. F. 21(a)IV/PER/C-2/(50)/A.J.70/AFTR/CLA.]

(संयुक्त मुख्य निर्यातक, आयात-निर्यात का कार्यालय)

(केन्द्रीय लाइसेंस क्षेत्र)

आदेश

नई दिल्ली, 21 अप्रैल, 1970

एस० नो० 25.—सर्वश्री चन्द प्रकाश एण्ड क०, 2170 तिलक बाजार, दिल्ली को भारत-अफगान व्यापार व्यवस्था 1969-70 के अन्तर्गत अफगानिस्तान से ताजा फलों (अंगूरों) के आयात के लिए 20,000 रुपये मूल्य का परमिट सं० पी/ई/0172801 दिनांक 25-10-69 प्रदान किया

गया था। उन्होंने उक्त परमिट की मुद्रा-विनियम नियंत्रण प्रति की अनुलिपि के लिए आवेदन किया है, इसके लिए उन्होंने यह आधार दिया है कि हुसैनीवाला, फिरोजपुर सीमा-शुल्क कार्यालय में पूंजीकृत करने के बाद मूल प्रति खो गई है। गलत स्थान पर रख दी गई है, और उसका पूरा उपयोग कर लिया गया है।

पार्टी ने अपने तर्कों के समर्थन में साक्ष्य-पत्र यह बताते हुए जमा किया है कि उक्त परमिट की मुद्रा-विनियम नियंत्रण प्रति खो गई है। गलत स्थान पर रख दी गई है।

मैं इस बात से संतुष्ट हूँ कि परमिट सं० पी/0172801, दिनांक 25-10-69 की मुद्रा-विनियम नियंत्रण प्रति खो गई है। गलत स्थान पर रख दी गई है और निदेश देता हूँ कि इस परमिट की मुद्रा-विनियम नियंत्रण प्रति की अनुलिपि आवेदक को जारी की जाए।

एतद्वारा परमिट की मूल मुद्रा-विनियम नियंत्रण कार्य संबंधी प्रति रद्द की जाती है।

[संख्या० 21(ए) 4/पी० ई०आर०/सी-2/(50)/ए०जे० 70/ए०एफ०टी०आर०/सी०एल०ए०]

S.O. 26.—M/s. Chand Parkash & Co., 2170-Tilak Bazar, Delhi were granted permit No. P/E/0172207 dated 7th October, 1969 valued Rs. 30,000 for import of Fresh Fruits (Grapes) from Afghanistan under the Indo-Afghan Trade Arrangement 1969-70. They have applied for the duplicate copy of Exchange Control copy of the said permit on the ground that the original copy has been lost/misplaced after having been registered with Hussainiwalla, Ferozpur Custom House and utilised fully.

In support of their declaration, the party has filed an affidavit duly attested by Notary stating that Exchange Control copy of the said permit has been lost/misplaced.

I am satisfied that Exchange Control copy of permit No. 0172207 dated 7th October, 1969 has been lost/misplaced and direct that duplicate copy of Exchange Control copy of the same may be issued to the applicant.

The original Exchange Control purposes copy of the permit is hereby cancelled.

[No. 21(a)IV/PER/C-2(24)/A.J.70/AFTR/CLA.]

एत० ओ० 26.—सर्वश्री चन्द प्रकाश एंड क० 2170 तिलक बाजार दिल्ली को भारत अफगान व्यापार व्यवस्था 1969-70 के अर्न्तगत अफगानिस्तान से ताजा फलों (अंगूरों) के आयात के लिए 30,000 रुपये मूल्य का परमिट सं० पी/ई/0172207 दिनांक 7-10-69 प्रदान किया था। उन्होंने उक्त परमिट की मुद्रा-विनियम नियंत्रण प्रति की अनुलिपि के लिए आवेदन किया है, इसके लिए उन्होंने यह आधार दिया है कि हुसैनी वाला फिरोजपुर सीमा-शुल्क कार्यालय में पूंजीकृत करने के बाद मूल प्रति खो गई है। गलत स्थान पर रख दी गई है। उसका पूरा उपयोग कर लिया गया है।

पार्टी ने तर्कों के समर्थन में नोटरी द्वारा विधिवत् साक्ष्य-पत्र यह बताते हुए जमा किया है कि उक्त परमिट की मुद्रा-विनियम नियंत्रण प्रति खो गई है। गलत स्थान पर रख दी गई है।

मैं इस बात से संतुष्ट हूँ कि परमिट सं० 0172207 दिनांक 7-10-69 की मुद्रा-विनियम नियंत्रण प्रति खो गई है। गलत स्थान पर रख दी गई है और निदेश देता हूँ कि इस परमिट की मुद्रा-विनियम नियंत्रण प्रति की अनुलिपि आवेदक को जारी की जाए।

एतद्वारा परमिट की मूल मुद्रा-विनियम नियंत्रण कार्य संबंधी प्रति रद्द की जाती है।

[संख्या० 21(ए) 4/पी० ई०आर०/सी०-2/(24)/ए० ज० 70/

ए० एफ० टी० आर०/सी० एल०ए० 2

S.O. 27.—M/s. Chand Parkash & Co., 2170-Tilak Bazar, Delhi were granted permit No. P/E/0172263 dated 9th October, 1969 valued Rs. 20,000 for import of Fresh Fruits (Grapes) from Afghanistan under the Indo-Afghan Trade Arrangement 1969-70. They have applied for duplicate copy of Exchange Control Copy of the said permit on the ground that the original copy has been lost/misplaced after having been registered with Hussainiwala, Ferozepur Customs House and utilised fully.

In support of their declaration, the party has filed an affidavit duly attested by Notary stating that Exchange Control copy of the said permit has been lost/misplaced.

I am satisfied that Exchange Control Copy of permit No. P/E/0172263 dated 9th October, 1969 has been lost/misplaced and direct that duplicate copy of exchange Control copy of the same may be issued to the applicant.

The original Exchange Control purposes copy of the permit is hereby cancelled.

[No. F. 21(a)IV/PER/C-2/(25)/A.J.70/AFTR/CLA.]

एस० नो० 27.—सर्व श्री चन्द प्रकाश एंड क० 2170 तिलक बाजार दिल्ली को भारत-अफगान व्यापार व्यवस्था 1969-70 के अन्तर्गत अफगानिस्तान से ताजा फलों (अंगूरों) के आयात के लिए 20,000 रुपये मूल्य का परमिट सं० पी/ई/0172263 दिनांक 9-10-69 प्रदान किया गया था। उन्होंने उक्त परमिट की मुद्रा-विनिमय नियंत्रण प्रति की अनुलिपि के लिए आवेदन किया है इसके लिए उन्होंने यह आधार दिया है कि हुसैनी वाला फिरोजपुर सीमा-शुल्क कार्यालय में पंजीकृत करने के बाद मूल प्रति खो गई है। गलत स्थान पर रख दी गई है और उसका पूरा उपयोग कर लिया गया है।

पाटी ने अपने तर्कों के समर्थन में साक्ष्यांकित शपथ-पत्र यह बनाते हुए जमा किया है कि उक्त परमिट की मुद्रा-विनिमय नियंत्रण प्रति खो गई है। गलत स्थान पर रख दी गई है।

मैं इस बात से संतुष्ट हूँ कि परमिट सं० पी/ई/0172263 दिनांक 9-10-69 की मुद्रा-विनिमय नियंत्रण प्रति खो गई है — गलत स्थान पर रख दी गई है और निदेश देना हूँ कि इस परमिट की मुद्रा-विनिमय नियंत्रण प्रति की अनुलिपि आवेदक को जारी की जाए।

एतद्वारा परमिट की मूल मुद्रा-विनिमय नियंत्रण कार्य संबंधी प्रति रद्द की जाती है।

[संख्या० 21(ए०) 4-पी०/ई०आर०/सी०-2(25)/ए०जे० 70/
ए० एफ० टी० आर०/सी० एल० ए०]

New Delhi, the 16th June 1970

S.O. 28.—M/s. Friend United Company 11-12-13/A, Bhagrat Palace Chandni Chowk, Delhi were granted and Established Imports Licence No. P/E/0171062 dated 23rd July, 1969 for Rs. 3232 for import of Books & Periodicals as per current Red Book for A.M. 70 L. Period. They have applied for the duplicate customs purpose copy of the said licence on the grounds that the original has been lost or misplaced. It is, further stated by the firm that the original Customs Purpose Copy of the licence was not registered with any Customs House and is unutilised for full amount of Rs. 3232.

In support of this declaration, the applicant has filed an affidavit duly attested stating that the original Customs Purpose Copy of the licence has been lost or misplaced.

I am satisfied that the original Customs Purpose Copy of the said licence has been lost and direct that a Duplicate Customs Purpose Copy for the amount of Rs. 3232 should be issued to the applicant. The original Customs Purpose Copy of the licence is cancelled.

[No. F. Book/20/A.M.70/QL/CLA.]
SARDUL SINGH, Dy. Chief Controller,
for Jt. Chief Controller.

नई दिल्ली, 16 जून, 1970

एच. ओ. 28.—पर्वश्री प्रेड यूनाइटेड कम्पनी, 11-12-13/ए, भगोरथ पैनेस, चांदनी चौक, दिल्ली को अप्रैल-मार्च 70 की लाइसेंस अधि के लिए वर्तमान रैड बुक के अनुसार पुस्तकों और पत्रिकाओं के आयात के लिए 3232 रुपये का सस्थापित आयातक लाइसेंस संख्या पी/ई/0171062 दिनांक 23-7-69 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि सीमा-शुल्क कार्य संबंधी प्रति के लिए आवेदन किया है इसके लिए यह आधार प्रस्तुत किया है कि मूल प्रति खो गई है या गलत जगह पर रख दी गई है। फर्म द्वारा यह बताया गया है कि मूल अनुलिपि सीमा-शुल्क कार्य संबंधी प्रति किसी सीमा-शुल्क कार्यालय में पंजीकृत नहीं किया गया था और पूरी धनराशि 3232 रुपये का कोई उपयोग नहीं किया गया था।

इस घोषणा के समर्थन में यह बताते हुए आवेदक ने विधिवत् साक्ष्यांकित एक शपथ-पत्र जमा किया है कि लाइसेंस की मूल सीमा-शुल्क कार्य संबंधी प्रति खो गई है या गलत जगह पर रख दी गई है।

मैं इस बात से संतुष्ट हूं कि उक्त लाइसेंस की मूल सीमा-शुल्क कार्य संबंधी प्रति खो गई है और निदेश देता हूं कि 3232 रुपये कि धन-राशि के लिए आवेदक को एक अनुलिपि सीमा-शुल्क कार्य संबंधी प्रति जारी की जानी चाहिए। लाइसेंस की मूल सीमा-शुल्क कार्य संबंधी प्रति रद्द की जाती है।

[किताब/20/ए०एम०70/क्यू०एल०/सी०एल०ए०]

सरदूल सिंह,

उप-मुख्य नियंत्रक आयात-निर्यात

कृते संयुक्त मुख्य नियंत्रक आयात निर्यात।

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

New Delhi, the 6th August 1970

S.O. 29.—M/s. Didar Singh Charan Singh, Gandhi Cloth Market, Chandni Chowk, Delhi were granted permit No. P/EI/0179074 dated 12th December, 1969 valued Rs. 1,26,000 for imports of Dry Fruits from Afghanistan under Indo-Afghan Trade Arrangement 1969-70. They have applied for the duplicate copy of Exchange Control Copy of the said permit on the ground that the original copy has been lost/misplaced after having been registered with Bombay Custom House and utilised fully.

In support of their declaration, the party filed an Affidavit duly attested by Notary stating that Exchange Control copy of the said permit has been lost/misplaced.

I am satisfied that Exchange Control copy of permit No. P/EI/0179074 dated 12th December, 1969 has been lost/misplaced and direct that duplicate copy of Exchange Control Copy of the same may be issued to the applicant.

The original Exchange Control purpose copy of the permit is herewith cancelled.

[No. 21(a)IV/PER/D-I(3)/A.J.70/ AFTR/CLA.]

R. L. VARMA, Dy. Chief Controller,
for Jt. Chief Controller.

संयुक्त मुख्य नियंत्रक आयात-निर्यात का कार्यालय

(केन्द्रीय सहायक क्षेत्र)

आदेश

नई दिल्ली, 6 अगस्त, 1970

एस० ओ० 29.—सर्व श्री दीदार सिंह गान्धी क्लाइ मार्किट चांदनी चौक दिल्ली को इन्डो-अफगान व्यापार व्यवस्था 1969-70 के अन्तर्गत अफगानिस्तान से सूखे फलों के आयात के लिए 1,26,000 रुपये मूल्य का परमिट संख्या पी/ई/आई/ 0179074 दिनांक 12-12-69 प्रदान किया गया था। उन्होंने उक्त परमिट की अनुलिपि मुद्रा विनिमय नियंत्रण प्रति के लिए आवेदन किया है इसके लिए यह आधार दिया है कि मूल प्रति बम्बई सीमा-शुल्क कार्यालय के पास पंजीकृत कराने तथा पूर्णतया उपयोग करने के पश्चात् खो गई है। गलत स्थान पर रख दी गई है।

अपनी घोषणा के समर्थन में यह बताते हुए आवेदक ने नोटरी द्वारा विधिवत् साक्ष्यांकित एक शपथ पत्र जमा किया है कि उक्त परमिट की मुद्रा-विनिमय नियंत्रण प्रति खो गई है गलत स्थान पर रख दी गई है।

मैं इस बात से संतुष्ट हूं कि परमिट संख्या पी/ई/आई/0179074 दिनांक 12-12-69 की मुद्रा-विनिमय प्रति खो गई है। गलत स्थान पर रख दी गई है। और निदेश देता हूं कि उक्त परमिट की अनुलिपि मुद्राविनिमय नियंत्रण प्रति आवेदक को जारी की जाए।

मूल मुद्रा-विनिमय नियंत्रण प्रति एतद्द्वारा रद्द की जाती है।

[संख्या० 21(ए) 4/पी०आर०/डी०-1(3)/एज 70/ए०एफ०/टी०/आर०/सी०एल०ए०/]

आर० एल० शर्मा,

उप-मुख्य नियंत्रक आयात-निर्यात,

कृते संयुक्त मुख्य नियंत्रक, आयात-निर्यात।

(Office of the Chief Controller of Imports & Exports)

ORDER

New Delhi, the 9th December 1970

S.O. 30.—M/s. I.C.I. (India) Private Limited, Bombay, were granted licence No. P/D/21727/99 dated 5th December, 1969 under Rupee Area for the import of raw materials valued Rs. 2,07,552. They have requested for the issue of duplicate Customs copy of the said licence, on the ground that the original copy of the licence has been misplaced without utilising it. The licence has not been registered with any Customs.

2. In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the original custom copy of the licence referred to have i.e. P/D/2172799 dated 5th December, 1969, has been lost and directs that duplicate copy of the licence in question should be issued to them. The original copy is cancelled.

3. The duplicate copy of the licence is being issued separately.

[No. Ch/I-32(2)/A.M.70/R.M 3/2205.]

G. S. SHARMA, Dy. Chief Controller.

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 9 दिसम्बर, 1970

एस० आ० 30—सर्व श्री आई० सी० आई० (इंडिया) प्रा० लि०, बम्बई को रुपया क्षेत्र के अन्तर्गत कच्चे माल का आयात करने के लिए 207552 रुपये के मुद्रय का एक लाइसेंस सं० पी० डी० 2172799 दिनांक 5-12-1969 जारी किया गया था। उन्होंने उक्त लाइसेंस की सीमा-शुल्क सम्बन्धी प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि उसकी मूल प्रति बिना उपयोग किए उन से अस्थानस्थ हो गई है। लाइसेंस किसी सीमा शुल्क विभाग से पंजीकृत नहीं कराया गया है।

2. अपने तर्क के समर्थन में आवेदकों ने एक शपथ पत्र दाखिल किया है। अधोहस्ताक्षरी संजुष्ट है कि उक्त लाइसेंस की मूल सीमा शुल्क सम्बन्धी प्रति अर्थात् सं० पी० डी० 2172799, दिनांक 5-12-1969 खो गई है तथा निर्देश देता है कि उन को अपेक्षित लाइसेंस की अनुलिपि जारी की जानी चाहिए। मूल प्राप्त को रद्द किया जाता है।

3. लाइसेंस की अनुलिपि प्रति अलग से जारी की जा रही है।

[संख्या सी० एच० 1-32(2)/ए० एम० 70/आर० एम० 3/2205]

जी० एस० शर्मा,

उप-मुख्य नियंत्रक, आयात-निर्यात।

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 15th December 1970

S.O. 31.—The Director, Revenue Intelligence, D/c. of Revenue Intelligence, Block 'D' Indraprastha Bhavan, New Delhi, were granted licence No. G/AU/1032787/XX/25/C/H/25 dated 18th July, 1967, from free resources for import of Agfa copyrapid paper etc. valued at Rs. 1082. They have requested for the issue of duplicate copy of (exchange control purposes copy) the licence on the ground that the original Exchange Control Copy of the licence has been lost by them. It has been further reported by the licensee that the licence was lost after the utilisation of Rs. Nil and the licence was registered with the Collector of Customs, Bombay.

In support of their contention the applicant have filed an affidavit. The undersigned is satisfied that the original Exchange Control copy of the licence No. G/AU/1032787 dated 18th July, 1967 has been lost and directs that a duplicate Exchange control copy of the said licence should be issued to them. The original Exchange Control copy is cancelled. A duplicate copy of the licence is being issued separately.

[No. Cont/108/67-68/PLS/B/93.]

(मुख्य नियंत्रक, आयात निर्यात का कार्यालय)

आदेश

नई दिल्ली, 15 दिसम्बर 1970

एस० आ० 31.—डाइरेक्टर, रेवन्यू इन्टेलीजेंस, डाइरेक्टोरेट आफ रेवन्यू इन्टेलीजेंस, ब्लॉक 'डी' इन्द्रप्रस्था भवन, नई दिल्ली को मुक्त स्रोतों से अगफा कोपिरिपिडपेपर के आयात के लिए 1082 रुपये का आयात लाइसेंस संख्या जी० एयू०/1032787/सी०/एक्स० एक्स०/25/सी० एच०/25, दिनांक 18-7-1967 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि प्रति (मुद्रा

विनियम नियंत्रण प्रति) के लिए इस आधार पर अनुरोध किया है कि मूल मुद्रा विनियम नियंत्रण प्रति, उनके द्वारा खो गई है। फर्म द्वारा आगे यह बताया गया है कि लाइसेंस सीमा शुल्क समारहता बम्बई के साथ पंजीकृत किया गया था और बिना उपयोग किए ही खो गया था।

अपने तर्क के समर्थन में आवेदक ने एक शपथ पत्र जमा किया है। अधोहस्ताक्षरी इससे संयुक्त है कि लाइसेंस संख्या जी०/एयू०/1032787, दिनांक 18-7-67 की मूल मुद्रा विनियम नियंत्रण प्रति खो गई है और निदेश देता है कि आवेदक को उक्त लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रति जारी की जानी चाहिए। मूल मुद्रा विनियम नियंत्रण प्रति रद्द की जाती है। लाइसेंस की अनुलिपि प्रति अलग से जारी की जा रही है।

[संख्या सेंट 108/67-68-पी० एल० एस०/बी०]

S.O. 32.—The Managing Director, Punjab Dairy Development Corpn. Ltd., Kothi No. 1560, Sector 18-D Chandigarh (Punjab) was granted import licence. No. G/A/1039785 dated 18th September, 1969 from G.C.A. for import of spare parts for Butter Churn Type U.G.H.40 as per list attached to the licence valued at Rs. 40,630 only. He has now requested for issue of duplicate copy of the licence (both customs & exchange purposes copies) on the ground that the original licence (both copies with list of goods) has been lost/misplaced without having been registered with any customs authority and utilised at all.

In support of this contention the applicant has filed an affidavit. The undersigned is satisfied that both copies of the original licence No. G/A/1039785 dated 18th September, 1969 have been lost and directs that duplicate licence of the said licence should be issued both for Customs and Exchange Control Purposes.

The Original licence in duplicate has been cancelled. Duplicate licences for both copies are being issued separately.

[No. 2/SG/191/67-68/PLS/B.]
S. K. USMANI, Dy. Chief Controller,
for Chief Controller.

एस० ओ० 32—दि मैनेजिंग डायरेक्टर, पंजाब डेरी डेवलपमेंट कार्पोरेशन लिमिटेड, कोठी संख्या 1560, सेक्टर 17-डी, चंडीगढ़ (पंजाब) को सामान्य क्षेत्र से लाइसेंस के साथ संलग्न सूची के अनुसार यू० जी०/एच० 40 किस्म के मथन डोल के फालतु पुर्जों के आयात के लिए 40,306/- रुपये माल का आयात लाइसेंस सं० जी०/ए०/1039785, दिनांक 18-9-1969 स्वीकृत किया गया था। उन्होंने अब उक्त लाइसेंस की अनुलिपि प्रति (दोनों सीमा शुल्क तथा मुद्रा विनियम नियंत्रण प्रतियों) के लिए इस आधार पर अनुरोध किया है कि मूल लाइसेंस की (दोनों प्रतियां माल की सूची के साथ) बिना किसी सीमा शुल्क प्राधिकारी के पास पंजीकृत कराए तथा उपयोग किए खो गया है/गलत स्थान पर रख दिया गया है।

अपने तर्क के समर्थन में आवेदक ने एक शपथ पत्र जमा किया है। अधोहस्ताक्षरी इससे संतुष्ट है कि मूल लाइसेंस संख्या जी०/ए०/1039785 दिनांक 18-9-1969 की दोनों प्रतियां खो गई हैं और निदेश देता है कि उक्त लाइसेंस की अनुलिपि लाइसेंस सीमा-शुल्क तथा मुद्रा विनियम नियंत्रण प्रतियां दोनों जारी की जानी चाहिए।

मूल लाइसेंस दो प्रतियों में रद्द किया जाता है। दोनों प्रतियों के लिए अनुलिपि लाइसेंस अलग से जारी किए जा रहे हैं।

[संख्या 2/एस०/जी० 191/67-68, पी० एल० एस०/बी०]

एस० के० उस्मानी,
उप-मुख्य नियंत्रक, आयात-निर्यात,
कृते मुख्य नियंत्रक, आयात-निर्यात।

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

CANCELLATION ORDER

New Delhi, the 15th October, 1970

S.O. 33.—M/s. Raj Kumar Foundry and Engineering Works (Regd.), G. T. Road, Batala were granted licence No. P/S/1611118/C-OR-27-D-25-26 dated 7th May, 1968 for Rs. 8516/- for import of (1) Roller Bearings other than those specified in appendix. 14(5) of AM.69 Red Book Vol I (2) Tapar Roller Bearings other than those specified in appendix. 14(6) of AM.69 Red Book Vol.I. They have applied for duplicate copy of Customs Purpose copy of the licence on the ground that the original Custom Purpose copy has been lost/misplaced. It is further stated by the party that the original Custom Purpose Copy of the licence was not registered with any Customs authority and was not utilised at all.

In support of this contention, the applicant has filed an affidavit.

I am satisfied that the original Custom Purpose copy of licence No. P/S/1611118/C-OR-27-D-25-26 dated 7th May, 1968 has been lost/misplaced and direct that the duplicate licence (Custom Purpose copy) may be issued to the applicant. The original Custom Purpose copy of licence in question is hereby cancelled.

[No. NP/286/AM.68/AUPB/CLA.]

A. L. BHALLA, Dy Chief Controller.
for Jt. Chief Controller.

(संयुक्त मुख्य नियंत्रक, आयात निर्यात का कार्यालय)

(केन्द्रीय लाइसेंस क्षेत्र)

आदेश

नई दिल्ली, 15 अक्टूबर, 1970

एस० श्री० 33.—सर्व श्री राज कुमार फाउन्ड्री इन्जी० वर्क्स (रजि०) जी० पी० रोड, बटाला को (1) अप्रैल-मार्च, रेड बुक के वालुम 1 के परिशिष्ट 14(5) में विशिष्टीकृत के अतिरिक्त अन्य रोलर बेयरिंग (2) अप्रैल मार्च, 69 के वालुम 1 के परिशिष्ट 14(6) में विशिष्टीकृत के अतिरिक्त अन्य डेपर रोलर बेयरिंग के आयात के लिए 8516 रुपये का आयात लाइसेंस सं० पी०/एस०/1611118/सी०/ओ० आर०-27-डी०-25-26, दिनांक 7-5-68 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि सीमा शुल्क कार्य सम्बन्धी प्रति जारी करने का अनुरोध किया है, इसके लिए यह आधार दिया है कि मूल सीमा शुल्क कार्य सम्बन्धी प्रति खो गई है। गलत स्थान पर रख दी गई है। फर्म द्वारा आगे यह बताया गया है कि उक्त लाइसेंस की मूल सीमा शुल्क कार्य सम्बन्धी प्रति किसी भी सीमा शुल्क प्राधिकारी के पास पंजीकृत नहीं कराई गई थी। और उस का बिकूल उपयोग नहीं किया गया था।

अपन तर्क के समर्थन में आवेदक ने एक शथ पत्र जमा किया है। मैं इस बात से संतुष्ट हूँ कि लाइसेंस सं० पी०/एस०/1611118/सी० ओ० आर०-27-डी०-25-26 दिनांक 7-5-68 की मूल सीमा-शुल्क कार्य सम्बन्धी प्रति खो गई है। गलत स्थान पर रख दी गई है और निदेश देता है कि अनुलिपि लाइसेंस (सीमा शुल्क कार्य सम्बन्धी प्रति) आवेदक को जारी की जाए। उपयुक्त लाइसेंस की मूल सीमा शुल्क कार्य सम्बन्धी प्रति रद्द एतद्वारा की जाती है।

[संख्या एन० पी०/286/ए० एम० 68/एयू० पी० बी०/सी० एल० ए०]

ए० एल० भल्ला,

उप-मुख्य नियंत्रक आयात-निर्यात,

कृते संयुक्त मुख्य नियंत्रक, आयात-निर्यात।

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 16th December 1970

S.O. 34.—In pursuance of sub-rule (2) of rule 3 of the Aircraft Rules, 1937, and in supersession of the notification of the Government of India in the late Ministry of Transport and Communications (Departments of Communications and Civil Aviation) No. GSR 840 dated the 9th May, 1963, the Central Government hereby authorises the following persons also to grant or renew Student Pilot's Licence referred to in clause (a) of rule 38 and in Section 'B' of Schedule II to the said Rules with effect from 1st January, 1971, namely.—

1. The Honorary Secretary of Flying Clubs/Gliding Clubs/Gliding Wings.
2. The Principal, Government Flying Training School, Bangalore.
3. The Administrator, Hind Flying Club Ltd., Lucknow.
4. The Vice-President, Rajasthan Flying Club/Gliding Wing, Jaipur.
5. The Manager, Amritsar Aviation Club, Amritsar.
6. The Administrative Officer, West Bengal Government Flying Training Institute, Behala, Calcutta.
7. The Executive Officer, Hissar Aviation Club/Gliding Wing, Hissar.
8. The Secretary, Birla Gliding Club, Pilani.
9. The Secretary, Gliding & Soaring Club, Kanpur.
10. The Senior Gliding Instructor/Instructor-in-Charge, Government Gliding Centre, Poona.

[No. F. 10-A/11-70/AR/1937(3)/1970.]

S. N. KAUL, Dy. Secy.

पर्यटन तथा नागर विमानन मंत्रालय

नई दिल्ली, 16 दिसम्बर 1970

का० आ० 34.—वायुयान नियम, 1937 के नियम 3 के उप नियम (2) के अनुसरण में भारत सरकार के भूतपूर्व परिवहन और संचार मंत्रालय (संचार और सिविल विमानन विभाग) की अधिसूचना सं० सा० का० नि० 840, तारीख 9 मई, 1963 को अधिकांश करते हुए केन्द्रीय सरकार एतद्द्वारा 1 जनवरी, 1971 से उक्त नियमों के नियम 38 के खंड (क) में और अनुसूची 11 के खंड 'ख' में निदिष्ट छात्र पायलट अनुज्ञप्ति मंजूर करने या नवीकरण करने के लिए निम्नलिखित व्यक्तियों को भी प्राधिकृत करती है, अर्थात् —

1. उड़ान क्लब/ग्लाइडिंग क्लब/ग्लाइडिंग विंग्स के अवतनिक सचिव ।
2. प्रधानाचार्य, गवर्नमेंट फ्लाईंग ट्रेनिंग स्कूल, बंगलोर ।
3. प्रशासक, हिन्द फ्लाईंग क्लब लिमिटेड, लखनऊ ।
4. उपाध्यक्ष, राजस्थान फ्लाईंग क्लब/ग्लाइडिंग विंग, जयपुर ।
5. प्रबंधक, अमृतसर एविएशन क्लब, अमृतसर ।
6. प्रशासनिक अधिकारी, पश्चिमी बंगाल सरकार फ्लाईंग ट्रेनिंग इंस्टिट्यूट, बेहला, कलकत्ता ।
7. कार्यपालक अधिकारी, हिंसार एविएशन क्लब/ग्लाइडिंग विंग, हिंसार ।
8. सचिव, बिडला ग्लाइडिंग क्लब, पिलानी ।
9. सचिव, ग्लाइडिंग एण्ड सोअरिंग क्लब, कानपुर ।
10. ज्येष्ठ ग्लाइडिंग अनुदेशक/अनुदेशक प्रभारी, गवर्नमेंट ग्लाइडिंग सेंटर, पूना ।

[सं० फा० 10-ए/11-70/ए० आर०/1937(3)/1970]

सुरेन्द्र नाथ कोल, उप सचिव ।

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 18th December 1970

S.O. 35.—In exercise of the powers conferred by Section 30 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely—

1. (1) These Rules may be called the Indian Post Office (Eleventh Amendment) Rules, 1970.

(2) They shall come into force at once.

2. In the Indian Post Office Rules, 1933, in sub-rule (2) of rule 92, for the word "Parcel", wherever it occurs, the words "postal article" shall be substituted.

[No. F. 37/7/70-CN]

A. D. PISHARODY, Dy. Dir. General (Mails).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 18 दिसम्बर, 1970

का० आ० 35 :—भारतीय डाकघर अधिनियम, 1898 (1898 का 6) की धारा 30 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित नियम बनाती है, अर्थात् —

1. (1) ये नियम भारतीय डाकघर (ग्यारहवां संशोधन) नियम, 1970 कहे जा सकेंगे।

(2) ये तुरन्त प्रवृत्त होंगे।

2. भारतीय डाकघर नियम, 1953 में नियम 92, के उपनियम (2) में "पार्सल" शब्द के स्थान पर जहाँ कहीं भी यह आता है "डाक वस्तु" शब्द प्रतिस्थापित किए जायेंगे।

[संख्या 37/7/70-सी० एन०]

ए० डि० पिषारोडि,

उप महानिदेशक (डाक)

MINISTRY OF HEALTH, FAMILY PLANNING, W.H. & U.D.

(Department of Health)

New Delhi, the 16th November 1970

S.O. 36.—Whereas by the notification of the Government of India in the late Ministry of Health No. 17-2/59-MI, dated the 1st April, 1960, the Central Government has directed that the Medical qualification "M.D." granted by the University of Toronto Canada shall be recognised medical qualification for the purpose of the Indian Medical Council Act 1956 (102 of 1956);

And Whereas Dr. Walter Gilary Anderson who possesses the said qualification is for the time being attached to the Masini Sewa Mandal, Malwa Church Council, Ratlam, Madhya Pradesh for the purposes of teaching and charitable work;

Now, Therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies—

(1) a further period of two years with effect from the 19th March, 1970 or

- (ii) the period during which Dr. Walter Gillary Anderson is attached to the said Masini Sewa Mandal, Malwa Church Council, Ratlam, Madhya Pradesh whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. F. 19-16/70-MPT]

M. C. MISRA, Dy. Secy

स्वास्थ्य, परिवार नियोजन, निर्माण, आवास एवं नगर विकास मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 16 नवम्बर 1970

एस० ओ० 36 :-यतः भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की दिनांक 1 अप्रैल 1960 की अधिसूचना सं० 17-2/59-ए० आई० द्वारा केन्द्रीय सरकार ने निदेश दिया है कि भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजनों के लिए टोरोन्टो विश्वविद्यालय कनाडा द्वारा अनुदत्त "एम डी" नामक चिकित्सा अर्हता मान्यताप्राप्त चिकित्सा अर्हता होगी :

और यतः डा० वाल्टर गिलर ऐण्डरसन का निजक पास कि उक्त अर्हता है फिलहाल मसीनी सेवा मण्डल, मालवा चर्च परिषद्, रतलाम, मध्य प्रदेश के साथ अध्यापन और धर्मार्थ कार्य के प्रयोजनों के लिए लगाया गया है ।

अतः अब उक्त अधिनियम की धारा 14 की उप धारा (1) के परन्तुक के खण्ड (ग) का पालन करते हुए केन्द्रीय सरकार एतद्वारा :

- (i) 19 मार्च 1970 से दो वर्ष की एक और अवधि को, अथवा
- (ii) डा० वाल्टर गिलर ऐण्डरसन की मसीनी सेवा मण्डल, मालवा चर्च परिषद्, रतलाम, मध्य प्रदेश से संबद्ध रहने की अवधि को,

जो भी कम हो, वह अवधि विनिर्दिष्ट करती है जिसमें कि पूर्वोक्त डाक्टर की मेडीकल प्रैक्टिस सीमित होगी ।

[सं० फ० 19-16/70-एम० पी० टी०]

महेश चन्द्र मिश्र, उप सचिव ।

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 7th December 1970

S.O. 37.—In exercise of the powers conferred by rule 19 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shri Pratap Krishan, Joint Director, Film and Home, Directorate General, All India Radio, New Delhi, to officiate as Regional Officer, Central Board of Film Censors, Bombay with effect from the afternoon of 20th November, 1970, until further orders vice Shri K. Dixit retired from service.

[No. F. 2/106/70-FC.]

VIRENDRA D. VYAS, Deputy Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 7 दिसम्बर 1970

एस० ओ 37—चल चित्र (सेंसर) नियमावली, 1958 के नियम 10 द्वारा प्रदत्त अधिकारों का प्रयोग करने हुये, केन्द्रीय सरकार ने एतद्वारा श्री प्रताप कृष्ण, संयुक्त निदेशक, फार्म और गृह, आकाशवाणी महानिदेशालय, नई दिल्ली को 20 दिसम्बर, 1970 के अपरान्ह से अगले आदेश तक, श्री के० डी० दीक्षित, जो सेवा निवृत्त हो गये हैं, के स्थान पर केन्द्रीय फिल्म सेंसर बोर्ड बम्बई के प्रादेशिक अधिकारी के रूप में स्थानापन्न रूप से नियुक्त किया है।

[संख्या 2/106/70-एफ० सी०]

वीरेन्द्र देव भ्यास, उप-सचिव।

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

(Department of Petroleum)

New Delhi, the 14th December 1970

S.O. 38.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Well No. 132 (KGL) to GSS V, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Baroda-9;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For Laying Pipeline from Well No. 132 (KHL) to GGS V

State : Gujarat

Dist : Mehsana

Taluka : Kalol

Village	S. No.	Block No.	Hectare	Are	P. Are
VADAWSWAMI	195	.	.	0	3 05
"	194	.	.	0	3 96
"	167	.	.	0	1 7
"	169	.	.	0	3 78
"	170	.	.	0	4 27
"	160	.	.	0	4 03
"	V. P. Cart Track	.	.	0	1 28
"	121	.	.	0	11 04
"	135A	.	.	0	0 50
"	V. P. Cart Track	.	.	0	0 50
"	122	.	.	0	0 25

1	2	3	4	5
VADAW SWAMI	134	0	12	45
"	135	0	15	25
"	132	0	17	57
"	127	0	8	42
ISLAND	755	0	2	45
"	654/4	0	6	10
"	754/3	0	1	77
"	654/1	0	9	52
"	743	0	6	07
"	744	0	0	25
"	742	0	0	25
"	V. P. Cart Track	0	0	50
"	745	0	32	43
"	688	0	20	26
"	682	0	5	81

[(No. 20(3)/70-IOC/Lab.&Legis.).]

पेट्रोलियम तथा रसायन और खान तथा खातु मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 14 दिसम्बर, 1970

का० आ० 38.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कुआं संख्या 132 (के० जी० एल०) से जी० जी० एस० 5 तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्द्वारा अनुसूची में वर्णित भूमि में, उपयोग का अधिकार अर्जित करना आवश्यक है :

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के बीच पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, ————— तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग मकरपुरा रोड, बरोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट, यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कुआं संख्या 132 (के० जी० एल०) से जी० जी० एस० 5 तक पाइपलाइन बिछाने हेतु

राज्य : गुजरात जिला : मेहसाना तालुका : कलौल

गांव	सर्वेक्षण संख्या/ब्लाक संख्या	हेक्टर	आर	पी० आर
वादव स्वामी	195	0	3	05
	194	0	5	89
	167	0	10	76

1	2	3	4	5
	169	0	3	78
	170	0	4	27
	169	0	1	03
	ब। ग। व। र्क	0	1	28
	121	0	11	04
	135ए	0	0	50
	ब। ग। व। र्क	0	0	50
	122	0	0	25
	134	0	12	45
	133	0	15	25
	132	0	17	57
	127	0	8	42
इ. रन्द	755	0	2	45
	654/4	0	6	10
	754/3	0	1	77
	654/1	0	9	52
	743	0	6	05
	744	0	0	25
	712	0	0	25
	ब। ग। व। र्क	0	0	50
	745	0	32	43
	688	0	20	26
	682	0	5	81

[संख्या 20(3)/70-आई० ओ० सी०/लेबर एण्ड लेजिस]

S.O. 39.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from well No. KHV (130) to GGS V, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the power conferred by sub-section (i) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipelines under the land to the Competent Authority, Oil & Natural Gas Commission Construction & Maintenance Division, Makarpura Road, Baroda-9;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For Laying Pipeline from Well No. KHV (130) to GGS V

State : Gujarat

Dist. : Mehsana Taluka : Kalol

Village	Sureey No.	Hectare	Acre	P. Acre
CHHATRAI	210	0	7	91
"	215	0	10	75
"	212	0	5	79
"	444	0	3	29
"	443	0	17	82
"	446	0	6	34
"	448	0	0	73
"	449	0	1	25
"	450	0	10	55
"	V. P. Cart Track	0	0	61
"	451	0	7	69
"	452/2	0	8	54
ISAND	682	0	10	12

[(No. 20(3)/70-IOC/Lab.&Legis.)]

का० अ० 39.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में के० एच० बी० (130) से जी० जी० एस० V तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ;

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्वारा घोषित किया है ।

बशर्त कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, ————— तेल तथा प्राकृतिक गैस आयोग, निमाण और देखभाल प्रभाग, मकरपुरा रोड, बरोदा-9 को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा ।

और जैसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

कुआं संख्या के० एच० बी० (130) से जी० जी० एस० V तक पाइपलाइन बिछाने के लिए

राज्य: गुजरात

जिला : मेहसाना

तालुका : कलौल

गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
छतराल	210	0	7	91
	215	0	10	75
	212	0	5	79

1	2	3	4	5
	444	0	3	29
	443	0	17	82
	446	0	6	34
	448	0	6	73
	449	0	1	25
	450	0	10	55
	वीपी कार्टे $\frac{1}{2}$ क	0	0	61
	451	0	7	69
	452/2	0	8	54
इन्द	682	0	10	12

[संख्या 20(3)/70 आई० ग्री० सी०/एल० एण्ड एल०]

S.O. 40.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) S.O. No. 1785, dated 29th April 1970 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the Right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

For Laying Pipeline from Well No. 44 (KAEG to GIIS)

State : Gujarat Dist : Gandhinagar Taluka: Gandhinagar

Village	Survey No.	Hectare	Are	P. Are
TITODA	1072 (Block No. 825)	c	4	68
BHIOYAN RATHON	143	0	6	24
	144/1	0	11	05
	145	0	17	04
	146	0	13	26
	147/2	0	3	90
	147/1	0	17	47
	148/1b	0	11	25
	148/1 A	0	8	10

का० आ० स० 40,—यतः पेट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मन्त्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० स० 1385 तारीख 29-4-70 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइन को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया है।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी प्रबन्धकों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

कुआं संख्या 44 (के० ए० ई०) से जी० जी० एस० II तक पाइप लाइन बिछाने हेतु

राज्य : गुजरात

जिला : गांधीनगर

तालुका : गांधीनगर

गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
टिटोडा	1072 (ब्लॉक संख्या 825) 0		4	68
भोयानवाड	143	0	6	24
	144/1	0	11	05
	145	0	17	04
	146	0	13	26
	147/2	0	3	90
	147/1	0	17	47
	148/1 बी	0	11	20
	148/1ए	0	8	10

S.O. 41.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) S.O. No. 1786, dated 29th April, 1970 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the Right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

For laying Pipeline from Well No. 97 (KU) to GGSII

State : Gujarat

Distt. : Gandhinagar

Taluka : Gandhinagar

Village	Survey No.	Hectare	Are	P. Are
SERTHA	Village panchayat cart track	0	0	63
	1081/1, 2, 3, 4 Paiki	0	7	86
	1081/1 2, 3, 4 Paiki	0	6	53
	1082/1A	0	10	79
	1082/1 B	0	10	43
	1083/1	0	6	11
	1083/2	0	3	77
	1083/3	0	0	50
	1084/1	0	7	80
	1085/1	0	4	68
	1085/2	0	2	34
	1085/3	0	6	37
STATE : Gujarat	DISTRICT : Mehsana	TALUKA : Kalol		
SAJJ	916		6	37
	914		7	13

[No. 20(3)/87-IOC/Lab. & Legis.]

का० प्रा० 41 :— यतः पेट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 30) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० प्रा० सं० 1786 तारीख 29-4-70 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः लक्ष्य प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपीट दे दी है।

और भागे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियम किया है।

अब, अतः उक्त अधिनियम की धीरा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति, का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, भागे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय ५५ और प्राकृतिक गैस आयोग में, सभी बंधको से मुक्त रूप में, इस घोषणा के प्रकाशन की तारीख को निहित होगा।

अनुसूची

कुंभां सरया 97 (के० आई० जी०) से जी० जी० एस० 11 क पाइप लाइन बिछा

राज्य : गुजरात

जिला : गांधीनगर

तालुका : गांधीनगर

गांव	सर्वेक्षण संख्या	हैक्टर	आर	पी आर	
था सेर	गांव पंचायत कार्टे ट्रैक	0	0	65	
	1081/1,2,3,4 पैकी	0	7	80	
	1081/1,2,3,4, पैकी	0	6	53	
	1082/1ए	0	10	79	
	1082/1बी	0	10	45	
	1083/1	0	6	11	
	1083/2	0	3	77	
	1038/3	0	0	30	
	1084/1	0	7	80	
	1085/1	0	4	68	
	1085/2	0	2	34	
	1085/3	0	6	37	
राज्य	गुजरात	जिला	मेहसाना	तालुका	कलोल
संज	916		0	6	37
	914		0	7	15

S.O. 42.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) S.O. No. 1787, dated 29th April, 1970 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the Right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

For laying pipeline from Well No. 26 (KY) to Well No. 57 (KFC) to GGS II

State : Gujarat District : Gandiagar : Taluka : Gandinagar

Village	Survey No.	Hectare	Ac	P. Ac
BHOYAN RADHOD	3/1	0	7	80
	3/2	0	1	11
	Village Panchyat cart track	0	0	59
	248	0	9	10
	247	0	0	50
	Village panchyat cart track	0	2	75
	251	0	2	60
	235	0	8	71
	Village panchyat cart track	0	0	65
	243	0	25	91
	242	0	13	
	Village panchyat cart track	0	0	91
	194	0	7	61
	195	0	13	16

[No. 20(3)/67-IOC/Lab. & Legis.]

का० आ० 42 :—यतः पेट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का०आ०स० 1787 तारीख 29-4-1970 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, मत: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिमय किया है।

अब, मत: उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बंधकों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

कुर्मी संख्या 29 (के बाई) से कुर्मी संख्या 57 (के एक सी) तक आर बहा स जा जा एस II तक पाइप लाइन बिछाने हेतु

राज्य : गुजरात जिला : गांधीनगर तालुका : गांधीनगर

गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
भोयाम राबोड	3/1	0	7	80
	3/2	0	1	11
गांव पंचायत कार्ट ट्रैक	0	0	0	59
248	0	9	10	
247	0	0	50	
गांव पंचायत कार्ट ट्रैक	0	2	75	
251	0	2	60	
235	0	8	71	
गांव पंचायत कार्ट ट्रैक	0	0	65	
243	0	25	91	
242	0	13	65	
गांव पंचायत कार्ट ट्रैक	0	0	91	
194	0	7	61	
195	0	13	16	

[सं० 20(3)/67-आई० जी० सी०/लेबर एंड रजिस्ट्रार]

8.O. 43.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from 100(KII) to GGS At Well No. 87, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 8 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For Laying Pipelines from Well No. 100 (KII) to GGS at Well No. 57

State : Gujarat Distt : Gandhinagar Taluka : Gandhinagar

Village	Survey No.	Hectare	Ac	P.Ac
BHOYAN	393	0	3	54
"	394	0	5	37
"	V. P. Cart Track	0	3	66
"	V. P. Land	0	10	89
"	290/1	0	5	25
"	289	0	0	50
"	287/1	0	19	76
"	260	0	11	47
"	V.P. Cart Track	0	0	61
"	259	0	10	25
"	254	0	4	64
"	253	0	10	25
"	232	0	10	25
"	237	0	3	58
"	234	0	1	53
"	236 Pajhi	0	15	41
"	241	0	19	28
"	V.P. Cart Track	0	00	55
"	195	0	9	94

[No. 20(3)/70-IOC-Lab. & Legis.]

का० प्रा० 43—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में ————— कुआ संख्या 100 (के आई आई) से कुआ संख्या 57/ पर जी जी एम तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा विचारित जान चाहिए ।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वाक्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है :

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के लिए अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एद्द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी ————— तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, भवरपुरा रोड, बरोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट : यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की माफत ।

अनुसूची

कुआं संख्या 100 (के आई आई) से कुआं संख्या 57 पर जी जी एस तक पाइपलाइन बिछाने हेतु

राज्य	गुजरात	जिला	गांधीनगर	तालुका	गांधीनगर
गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर	
भोयान	393	0	3	54	
	394	0	5	37	
बी पी कार्ट ट्रैक	0	3	66		
बी पी लैण्ड	0	10	89		
290/1	0	5	25		
289	0	0	50		
287/1	0	19	76		
260	0	11	47		
बी पी कार्ट ट्रैक	0	0	61		
259	0	10	25		
254	0	4	64		
255	0	10	25		
232	0	10	25		
237	0	3	58		
234	0	1	53		
236 पैकी	0	15	01		
241	0	19	28		
बी पी कार्ट ट्रैक	0	00	55		
195	0	9	94		

[संख्या 20(3)/70-आई० ओ० सी०/लेबर एण्ड वेजिस]

S.O. 44.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Well No. 109(KIM) to GGS-IV, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Laying Pipeline Well No. 109 (KIM) to G.G.S.-IV.

State: Gujarat	Taluka: Kalol	District: Mehsana		
Village	Survey No.	Hectare	Ac	P. Ac
KALOL	98	0	4	19
	V.P. Cast Trach	0	0	79
	158	0	3	29
	V. P. Cast Trach	0	1	65
	135	0	10	89
	136	0	13	26
	152	0	1	94
	151	0	13	13
	148/1	0	15	60
	148	0	14	80
	V.P. Cast Trach	0	00	38
	247	0	11	05
	246	0	2	33
	249	0	6	83
	245/3	0	6	76
	250	0	28	73
	252/13	0	5	27
	252/11	0	13	91
	252/12	0	00	60
	251/14Paiki	0	1	66
	251/15	0	15	39
	251/29	0	11	83
	252/28	0	21	42
	251/26	0	2	15
	V. P. Cast Trach	0	1	47
	251/34	0	4	03
	V. P. Cast Trach	0	1	30
	251/37	0	14	89
	251/38	0	11	26
	351/40	0	5	46
DHAMASANA	899	0	6	21
	898	0	9	04

[No. 20(3)/70-IOC-Lab. & Legis.]

का० अ० 44.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में —————
कुआ सख्या 109 (के आई एं) से जी जी एस—IV तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

नगरों की उक्त भूमि में कितना कोई व्यक्ति, उस भूमि के नीचे पाइपसाइन बिछाने के लिए आक्षेप सक्षम अधिकारी, — तेल तथा प्राकृतिक गैस आयोग, निर्माण और वस्त्रभाल प्रभाग, भवरपुरा रोड, बरीदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चित यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधी व्यवसायी की मार्फत।

अधिसूचना

कुछां संख्या (के आई एम) 109 से जी जी एस-IV तक पाइप लाइन बिछाने हेतु

राज्य : गुजरात तालुका कलोल : जिला : मेहसासा

गांव	सर्वेक्षण संख्या	हैक्टर	आर	पी आर
कलोल	98	0	4	19
	बी पी कार्टे ट्रक	0	0	79
	158	0	3	29
	बी पी कार्टे ट्रक	0	1	65
	135	0	10	89
	136	0	13	26
	152	0	1	04
	151	0	13	13
	148/1	0	15	60
	148	0	14	80
	बी पी कार्टे ट्रक	0	00	38
	247	0	11	05
	246	0	2	33
	249	0	6	83
	245/3	0	6	76
	250	0	28	73
	252/13	0	5	27
	252/11	0	13	91
	252/12	0	00	60
	251/14 पैकी	0	1	66
	252/12	0	00	60
	251/15	0	13	39
	251/29	0	11	83
	251/28	0	21	42
	251/26	0	2	15
	बी पी कार्टे ट्रक	0	1	47

गाँव	सर्वेक्षण संख्या	हेक्टर	घर	पी घर
	251/34	0	4	03
	बीपी कार्टट्रेक	0	1	30
	251/37	0	14	89
	251/38	0	11	26
	251/40	0	5	46
बमासना	898	0	6	21
	898	0	9	04

[संख्या 20(3)/70-आई० प्रो० सी०/एल० एण्ड एल०]

S.O. 43.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from 44 (KAE) to Mini GGS at Well No. 57, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For Laying Pipeline From Well No. 44 (KAE) to Miniggsat Well No. 57

State: Gujarat Dist : Gandhinagar Taluka: Gandhinagar

Village	Survey No.	Hectare	Area	P. Area
TITODA	1082	0	12	82
BHOYAN	143	0	3	78
"	142	0	8	66
"	144 Parki	0	1	83
"	136	0	00	50
"	140	0	6	90
"	138	0	7	32
"	137/1	0	6	34
"	123	0	9	93
"	124	0	10	99
"	125	0	00	50
"	121	0	17	14
"	120	0	3	29
"	V.P. Cast Track	0	00	73
"	160	0	2	18
"	161	0	8	72
"	166	0	8	7
"	165	0		

Village	Survey No.	Hectares	Area	P. Area
"	167	.	0	95
"	168	.	0	16
"	V.P. East Trach	.	00	61
"	171/1	.	0	7
"	172	.	00	50
"	170	.	0	8
"	188	.	0	8
"	190	.	0	10
"	196	.	0	13

[No. 20(3)/70-IOC-Lab. & Legls.]

का० आ० सं० 45.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में ————— कुआं संख्या 44 के 0 एई 0 से कुआं संख्या 57 पर मीमी जी जी एस तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, ————— तेल तथा प्राकृतिक गैस आयोग, निर्माण और देख-भाल प्रभाग, भदरपुरा रोड, बरोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिशः हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कुआं संख्या 44 (के ई) से कुआं संख्या 57 पर मीमी जी जी एस तक पाइपलाइन बिछाने हेतु

राज्य : गुजरात जिला : गांधीनगर तालुका : गांधीनगर

गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
टिटोडा	1082	0	12	82
भोयान	143	0	3	78
	142	0	8	66
	144 पेकी	0	1	83

गांव	सर्वेक्षण संख्या	हैक्टर	आर	पी आर
	138	0	00	50
	140	0	6	90
	138	0	7	32
	137/1	0	6	34
	123	0	9	95
	124	0	10	99
	125	0	00	50
	121	0	17	14
	120	0	3	29
	बी पी कार्ट ट्रैक	0	00	75
	160	0	2	18
	161	0	8	72
	166	0	8	75
	165	0	8	66
	167	0	1	95
	168	0	16	59
	बी पी कार्ट ट्रैक	0	00	61
	171/1	0	7	56
	172	0	00	50
	170	0	8	82
	188	0	8	97
	190	0	10	80
	196	0	13	42

[सं० 20(3)/70-आई० ओ० सी०/लेबर एंड लेजिस]

S.O. 46.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) S.O. No. 2567, dated 16th July 1970, under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the Right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

For Pipelines from Sanaand Well No. 13 to Sanaand Well No. 15.

State: Gujarat

District : Mehsana

Taluka : Kalol

Village	Survey No.	Hectare	Ac	P. Ac
KHATRAJ	345	0	3	72
	343	0	3	00
JETHALAJ	245/1	0	1	00
	245/2	0	4	56
	247	0	12	00
	248	0	12	72
	252/1	0	17	52
	252/2	0	2	40
	V. P. Cant track	0	1	20
	272	0	18	72
	273	0	2	76
	270	0	4	80
	277	0	9	07
	276/2	0	1	20
	278	0	5	30
	281/2	0	3	38
	281/1	0	6	00
	V. P. Cant track	0	0	42
	323	0	10	28
	322	0	0	72
	344	0	21	24
	345	0	4	45
	319	0	4	38
	347	0	6	00
	348	0	3	12
	317	0	9	76
	352/2	0	3	00
	353/2	0	4	87
	353/1	0	8	52
	V.P. Cant track	0	0	72
	355	0	10	80
	372/1	0	8	92
	372/2	0	3	40
	373/4	0	7	92

[No. 20(3)/70-IOC-Lab. & Legis.]

का० आ० सं० 46.—यतः पेट्रोलियम, पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 2567 तारीख 16-7-70 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट देनी है।

और प्रागे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन, बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, प्रागे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बंधको से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

सानन्द कुम्रा संख्या 18 से सानन्द कुम्रा संख्या 15 तक पाइपलाइन बिछाने हेतु

राज्य : गुजरात	जिला :	मेहसाना	ताशुका :	कलोल
मोव	सर्वेक्षण संख्या	हेक्टर	घर	पी घर
खटराज	345	0	3	72
	343	0	3	00
जैठसाज	245/1	0	1	00
	245/2	0	4	56
	247	0	12	00
	248	0	12	72
	252/1	0	17	52
	252/2	0	2	40
	बी० पी० कार्टर्डक	0	1	20
	272	0	18	72
	273	0	2	76
	270	0	4	80
	277	0	9	07
	276/2	0	1	20
	278	0	5	30
	281/2	0	3	96
	281/1	0	6	00
	बी० पी० कार्टर्डक	0	0	42
	323	0.	10	28
	322	0	9	72
	344	0	21	24

गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
जेठलाज-जारी	345	0	4	45
	319	0	4	38
	347	0	6	00
	348	0	3	12
	317	0	0	78
	352/2	0	3	00
	353/2	0	4	87
	353/1	0	8	52
बी० पी० कार्ट ट्रैक		0	0	72
	355	0	10	80
	372/1	0	8	92
	372/2	0	3	40
	373/4	4	7	92

[सं० 20(3)/67-आई०/ओ०/सी०/लेबर एण्ड लेजिस]

New Delhi, the 15th December 1970

S.O. 47.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Well No. 146(KJK) to Well No. 130(KHV) to GGS-V, in Kalol Oil field in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For laying Pipeline from Well No. 146(KJK) to Well No. 130 (KHV) to G.G.S-V
State.: Gujarat District : Mehsana Taluka : Kalol

Village	Block No.	Hectare	Ac	P. Ac
CHHATRAL	149	0	1	83
"	V. P. Cart track	0	1	83
"	150	0	5	49
"	155	0	8	84

Village	Block No.	Hectare	Ara	P. Ara
Chhatral-contd.	156/Paiki	0	1	75
"	156/Paiki	0	6	83
"	169	0	11	55
"	170	0	8	35
"	172	0	4	03
"	211	0	2	01
"	173	0	2	01
"	210/Paiki	0	4	21
"	210/Paiki	0	4	21
"	209/Paiki	0	5	01
"	187	0	22	05
"	188	0	1	83
"	186	0	00	50
"	120	0	3	90

[No. 20(3)/70-IOC-Lab. & Legis.]

नई दिल्ली, 15 दिसम्बर, 1970

क्र० प्रा० 47.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कलोल तेल क्षेत्र में कुआं संख्या 146(के जे के) से कुआं संख्या 130(के० एच० बी०) और वहां से जी० जी० एस०-5 तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपायग्रह अनसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है :

अतः अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बरोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्ति : हो या किसी विधि व्यवसायी की मार्फत।

अनसूची

कुआं संख्या 146 के० जे० के० से कुआं संख्या 130 के एच० बी० तक और वहां से जी० जी० एस० 5 तक पाइपलाइन बिछाना।

राज्य : गुजरात

जिला : मेहसाना

तालुका : कलोल

गांव	खण्ड संख्या	हेक्टर	घार	पी घार
छत्तराल	149	0	1	83
"	बी० पी० कार्ट टक	0	1	83

गांव	खण्ड संख्या	हेक्टर	घार	पी.आर
छत्तराल-जारी	150	0	5	49
	153	0	8	84
	156/पैकी	0	1	75
	156/पैकी	0	6	83
	169	0	11	53
	170	0	8	35
	172	0	4	03
	211	0	2	01
	173	0	2	01
	210/पैकी	0	4	21
	210/पैकी	0	4	21
	209/पैकी	0	5	01
	187	0	22	05
	188	0	1	83
	186	0	00	50
	190	0	3	90

[संख्या 20(3)/70-मा० प्रो० सी०/एल० एण्ड एल०]

S.O. 48.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Well No. KCK(101) to GGS-V, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE*

For laying Pipeline from Well No. KGK (101) to G.G.S.-V

State: Gujarat		District: Mehsana		Taluka: Kaloi	
Village	Survey No.	Hectare	Ac	P. Ac	
Chhatral	287	0	8	09	
"	286	0	5	13	
"	V. P. Cart Track	0	1	89	

Village	Survey No.	Hectare	Are	P. Are
Chhatral	288	0	4	11
"	251 Paiki	0	8	67
"	250	0	5	12
"	249/1	0	8	83
"	V. P. Ca. t Trach	0	0	50
"	223	0	1	25
"	222	0	6	50
"	402	0	6	91
"	401/1	0	6	04
"	402	0	1	76
"	400	0	5	38
"	411	0	3	72
"	410	0	4	23
"	409	0	6	91
"	408	0	6	50
"	453 Paiki	0	7	04
"	434/2	0	0	75
"	435	0	8	85
"	436			
"	531 P	0	4	03
"	437	0	2	56
"	425	0	15	72
"	452	0	9	03
Isand	683	0	10	15
"	682	0	8	07

[No. 20(3)/67-IOC-Lab. & Legis.]

क।० अ।० सं० 48.--यत : केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में कुम्भा संख्या के सी के (101) से जी० जी० एस० V तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यत : यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है :

अतः अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग का अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए प्राक्षेप सुक्ष्म प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल-प्रभाग, मकरपुरा रोड, बरोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा प्राक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यवस्था हो या किसी बिधि व्यवसायी की मार्फत।

अनुसूची

कुम्भा संख्या के सी० के० (101) से जी० जी० एस० V तक पाइप लाइन बिछाने हेतु

राज्य : गुजरात

जिला : मेहसाना

तालका : कलोल

गांव	सर्वेक्षण संख्या	हेक्टर	आर०	पी०आर०
छत्तराल	28 7	0	8	09
	28 6	0	5	12

गांव	संक्षेप सञ्ज्ञा	हेक्टर	आर०	पी०आर०
	बी०पी०कार्ट ट्रैक	0	1	89
	288	0	4	11
	251 पैकी	0	8	67
	250	0	5	12
	बी० पी० कार्ट ट्रैक	0	8	83
	223	0	0	50
	222	0	1	25
	402	0	6	50
	401/1	0	6	91
	400	0	6	04
	411	0	1	76
	410	0	5	38
	409	0	3	72
	408	0	4	23
	पैकी 433	0	6	96
	434/2	0	6	50
	435	0	0	75
	436	0	8	85
	531	0	4	03
	437	0	2	56
	425	0	15	72
	452	0	9	03
इसन्व	683	0	10	15
	682	0	8	07

[संख्या 20(3)/70-आई० ओ० सी०-एल० एण्ड एल०]

S.O. 49.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from KJS (K140) to Mini GGS At (K57), in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For laying Pipeline from Well No. KJS (K-140) to Mini G.G.S. at (K-57)

State: Gujarat

District: Gandhinagar

Taluka: Gandhinagar

Village	Survey No.	Hectare	Are	P. Are
TITODA	1110	0	17	63
"	1109 & 1108	0	17	30
BHOYAN	41	0	1	17
"	66	0	2	82
"	67	0	1	65
"	68	0	16	47
"	49	0	5	61
"	69	0	00	57
"	48	0	3	05
"	V. P. Cart Track	0	0	98
"	72	0	4	27
"	73	0	5	10
"	74	0	16	10
"	76	0	10	00
"	92	0	9	89
"	93	0	10	13
"	94	0	1	28
"	90/1	0	1	00
"	89	0	12	08
"	V.P. Cart Track	0	00	85
"	191	0	8	42
"	190	0	15	68
"	196	0	7	56

[No. 20(3)/70-IOC-Lab. & Legis.]

का० आ० सं० 49.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कुम्भा संख्या के० जे० एस० (के 140) से कुम्भा संख्या 57 पर मिनी जी० जी० एस० तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है :

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए; केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल-प्रभाग, मकरपुरा रोड बरोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कुम्भा संख्या के० जे० एस० के० (के० 140) से के० 57 पर मनी जी० जी० एस० तक
पाइपलाइन बिछाने हेतु ।

राज्य: गुजरात

जिला: गांधीनगर

तालुका: गांधीनगर

गांव	सर्वेक्षण संख्या	हंक्टर	आर०	पी०आर०
टिटोडा	1110	0	17	63
	1109 तथा 1108	0	17	30
भोयान	61	0	1	17
	66	0	2	82
	67	0	1	65
	68	0	16	47
	49	0	5	61
	69	0	00	57
	48	0	3	05
	बी०पी० कार्टे ट्रंक	0	0	98
	72	0	4	27
	73	0	5	10
	74	0	16	10
	76	0	10	00
	92	0	9	89
	93	0	10	13
	94	0	1	28
	9011	0	1	00
	89	0	12	08
	बी पी कार्टे ट्रंक	0	00	85
	191	0	8	42
	190	0	15	68
	196	0	7	56

[संख्या 20(3)/70-आई० एच० सी०/सेक्टर एण्ड लेजिस]

S.O. 50.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from KJH (K137) To Mini GGS At K57, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9;

SCHEDULE

For laying pipeline from Well No. KFH (K 137) To Mini G.G.S.A.T K 57
State Gujarat Dist : Gandhinagar Taluka: Gandhinagar

Village	Survey No.	Hectare	Aze	P. Aze
BHOYAN	78	0	6	10
"	80	0	12	20
"	87	0	13	01
"	88	0	12	00
"	Cart Track	0	00	69
"	191	0	0	50
"	192	0	19	74
"	194	0	1	10
"	196	0	2	32

[No. 20(3)/70-IOC-Lab. & Legis.]

का० प्रा० 50—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह यह आवश्यक है कि गुजरात राज्य में के० जे० च० (के-137) कुम्भा-संख्या से के-57 पर मिली जी जी एस तक पाइपलाइन के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा बद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है:

अतः, अब पाइपलाइन (भूमि) में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, ते तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल तेल प्रभाग, भमकरपुरा रोड, बरोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वाहता है कि उसकी सुनवाई व्यक्तिगत: हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कुम्भा संख्या के जे एवं (के-137) से के-57 पर मिनी जी जी एस तक पाइपलाइन बिछाने हेतु

राज्य:-गुजरात

जिला:- गांधी नगर तालुका:- गांधीनगर

गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
भोयान	78	0	6	10
	80	0	12	20
	87	0	12	01

गाँव	सर्वेक्षण संख्या	हैक्टर	घर	पी घर
	88	0	12	69
	कार्टे ट्रैक	0	00	61
	191	0	0	50
	192	0	19	76
	194	0	1	10
	196	0	2	32

[संख्या 20 (3) 170—आई ओ सी/लेबर, एंड लेजिस]

S.O. 51.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Well No. KHK, K105 To GGS-V in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For laying Pipeline From Well No KHK 105 To G. G.S.V

State : Gujarat Dist Mehsana Taluka: Kaloj

Village	Survey No.	Hectare	Are	P. Are
ISAND	650/1	0	6	95
"	657/2	0	1	76
"	657/1	0	0	50
"	648	0	9	00
"	647	0	9	37
"	666	0	7	95
"	664/4	0	0	50
"	664/2	0	5	81
"	597/1	0	6	49
"	674/1	0	6	19
"	672	0	7	57
"	676	0	8	42
"	681	0	3	66
"	682	0	4	47

[No. 20(3)/70-IOC-Lab. & Legis.]

M. V. S. PRASADA RAU, Under Secy.

क्रा० आ० 51—अनः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में, कुंआ संख्या के एच, के 105 से जी जी एस V तक वैट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्जित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है :

अतः, अब वैट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अर्जना आशय एतद्द्वारा घोषित किया है।

वशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सज्जम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बरौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट : यह भी कबन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कुंआ संख्या के एच के, के 105 से जी जी एस V तक पाइपलाइन बिछाने हेतु

राज्य: गुजरात

जिला : मेहसाना

तालुका : कलोल

गांव	सर्वेक्षण संख्या	हैक्टर	आर	पी आर
इसन्द	650/1	0	6	95
	657/2	0	1	76
	657/1	0	0	50
	648	0	9	00
	647	0	9	37
	666	0	7	95
	664/4	0	0	50
	664/2	0	5	81
	667/1	0	6	49
	674/1	0	6	19
	672	0	7	57
	676	0	8	42
	681	0	3	66
	682	0	4	47

[संख्या 20 (3) / 70—आई/प्रो सी/सेबर, एण्ड लेजिस्ट]

म० वे० शिवप्रसाद राव, अव्वर सचिव, ।




F.I. DU. TRIAL, DE. E. LOPME. T A. D INTERNAL TRADE
INDIAN STANDARDS INSTITUTION

New Delhi, 4th December, 1970

S.O. 52.—In pursuance of sub-rule 4 (1) of rule (1) of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark (s), design (s) of which together with the verbal description of the design (s) and the title (s) of the relevant Indian Standard (s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark (s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each.

THE SCHEDULE

S.No.	Design of the Standard Mark	Product/Class of product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark	Date of effect
(1)	(2)	(3)	(4)	(5)	(6)
1		Galvanized stay Strand.	IS: 2141-1968 Specification for galvanized stay strand (first revision).	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 October 1970
2		Beer	IS : 3865-1966 Specification for beer.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 October 1970
3		Unplasticized PVC pipes for potable water supplies.	IS : 4985-1968 Specification for unplasticized PVC pipes for potable water supplies.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the India Standard being superscribed on the top side of the monogram as indicated in the design.	1 November 1970.

आद्योगिक विकास और आंतरिक व्यापार मंत्रालय
(औद्योगिक विकास विभाग)


भारतीय मानक संस्था



नई दिल्ली, 4 दिसम्बर, 1970

एस० आ० 52.—भारतीय मानक संस्था (प्रमाणन चिह्न) नियम, 1955, के नियम 4 के उपनियम (1) के अनुसार भारतीय मानक संस्था की ओर से सूचना दी जाती है कि मानक चिह्न जिनकी डिजाइन और शब्दिक विवरण तत्सम्बन्धी भारतीय मानकों के शीर्षक सहित नीचे अनुसूची में दिए हैं आ० मा० संस्था द्वारा निर्धारित किए गए हैं।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम] 1952 और उसके अधीन बने नियमों के निमित्त ये मानक-चिह्न उनकी आगे दी तिथियों से लागू हो जायेंगे।

अनुसूची

क्रमांक	मानक चिह्न की डिजाइन	उत्पाद/उत्पादन का वर्ष	सम्बद्ध भारतीय मानक की पद संख्या और शीर्षक	मानक चिह्न की डिजाइन का शब्दिक विवरण	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1		जस्ता चढ़े लड़दार टेक तार	IS2141-1968 जस्ता चढ़े लड़दार टेकतारों की विनिर्दिष्ट (पहला पुनरीक्षण)	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं स्तम्भ (2) में दिखाई गयी और अनुपात में तैयार किया गया है, और जैसा दिखाया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पद-संख्या दी हुई है।	16 अक्टूबर 1970




(1)	(2)	(3)	(4)	(5)	(6)
2.		बियर	IS: 3865-1966 बियर की विशिष्टि]	भारतीय मानक संस्था का मोनोग्राम जिसमें शब्द होते हैं स्तम्भ (2) में दिखाई शैली और अनुपात में तैयार किया गया है, और जैसा दिखाया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या दी हुई है।	16 अक्टूबर 1970
3.		बर्तनों में पानी भरने के अनम्यकृत पी बी सी के पाइप	IS: 4985-1968 बर्तनों में पानी भरने के अनम्यकृत पी बी सी के पाइपों की विशिष्टि]	भारतीय मानक संस्था का मोनोग्राम जिसमें शब्द होते हैं स्तम्भ (2) में दिखाई शैली और अनुपात में तैयार किया गया है, और जैसा दिखाया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पद-संख्या दी हुई है	1 नवम्बर 1970

[सं० सी एम डी/13: 9]

S.O. 53.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design (s) and the title (s) of the relevant Indian Standard (s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each :—



THE SCHEDULE

S.No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark	Date of effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	IS : 	Timber panelled and glazed shutters.	IS: 1003 (Part I)-1966 Specification for timber panelled and glazed shutters (<i>first revision</i>). Part I Door shutters.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side and the Part No. of the specification subscribed under the bottom side of the monogram as indicated in the design.	16 Nov 1970
2.	IS : 	Timber door, window and ventilator frames.	IS: 4021-1967 Specification for timber door, window and ventilator frames.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 Nov 1970
3.	IS : 	Pine oil . . .	IS : 5757-1970 Specification for pine oil.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1 Nov 1970

एस० नो० 53—भारतीय मानक संस्था (प्रमाणन चिह्न) नियम, 1955, के नियम 4 के उपनियम (1) के अनुसार भारतीय मानक संस्था की ओर से सूचना दी जाती है कि मानक चिह्न जिनकी डिजाइन और शब्दिक विवरण तत्सम्बन्धी भारतीय मानकों के शीर्षक सहित नीचे अनुसूची में दिए हैं। भा० मा० संस्था द्वारा निर्धारित किए गए हैं।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम, 1952 और उसके अधीन बने नियमों के निमित्त ये मानक-चिह्न उनके आगे दी तारीख से लागू हो जायेंगे।

अनुसूची

क्रमांक	मानक चिह्न की डिजाइन	उत्पाद/उत्पादन का वर्ग	सम्बद्ध भारतीय मानक की पद संख्या और शीर्षक	मान चिह्न की डिजाइन का शब्दिक विवरण	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.		लकड़ी के पैनल लगे और कांच लगे किवाड़	IS : 1003 (भाग 1)—1966 लकड़ी के पैनल लगे और कांच लगे किवाड़ों की विनिर्दिष्ट (पहला पुनरीक्षण) भाग 1 दरवाजों के किवाड़	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं स्तम्भ (2) में दिखाई शैली और अनुपात में तैयार किया गया है और जैसा दिखाया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या दी हुई है।	16 नवम्बर 1970
2.		दरवाजों खिड़कियों और रोशनदानों के लकड़ी के चौखटे	IS : 4021—1967 दरवाजों, खिड़कियों और रोशनदानों के लकड़ी के चौखटों की विनिर्दिष्ट	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं स्तम्भ (2) में दिखाई शैली और अनुपात में तैयार किया गया है और जैसा दिखाया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या दी हुई है।	16 नवम्बर 1970

3.



चीड़ क. तेल

IS : 5757-1970 चीड़ के तेल
की विनिष्टि

भारतीय मानक संस्था का मोनोग्राम
जिसमें ISI शब्द होते हैं स्तम्भ
(2) में दिखाई जैसी और अनुपात
में तैयार किया गया है और जैसा
दिखाया है उस मोनोग्राम के ऊपर
की ओर भारतीय मानक की पद-
संख्या दी हुई है।]


1 नवम्बर 1970

[सं० सी एम डी/13 : 9]

S. O. 54.—In partial modification of the Ministry of Industrial Development and Internal Trade (Indian Standards Institution) Notification No. S.O. 2925 dated 20th August 1970 published in the Gazette of India, Part II, Section 3, Sub-section(ii), dated 5th September 1970, the Indian Standards Institution hereby notifies that the Standard Mark for sole leather has been revised. The revised design of the Standard Mark together with title of the relevant Indian Standard and verbal description of design is given in the following schedule.

This Standard Mark for the purpose of the Indian Standards Institution (Certification [Marks] Act, 1952 and the Rule and Regulations framed there-under, shall come into force with immediate effect :

THE SCHEDULE


Serial No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1.	 SOLE LEATHER.	Sole leather.	IS: 579-1962 Specification for sole leather (<i>revised</i>).	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col(2), the number designation of the Indian Standard being superscribed on the top side and the words 'SOLE LEATHER' being subscribed under the bottom side of the monogram as indicated in the design.

[No. CMD/13:9]

एस० नो० 54—भारतीय मानक संस्था (प्रमाणन चिह्न) नियम 1955, के नियम 4 के उपनियम (1) के अनुसार भारतीय मानक संस्था की ओर से सूचना दी जाती है कि मानक चिह्न जिनकी डिजाइन और शब्दिक विवरण तत्सम्बन्धी भारतीय मानकों के शीर्षक सहित नीचे अनुसूची में दिये हैं, भा० मा० संस्था द्वारा निर्धारित किये गये हैं।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम, 1952 और उसके अधीन बने नियमों के निमित्त ये मानक चिह्न तुरंत ही लागू हो जायेगा।

अनुसूची

क्रम संख्या	मानक चिह्न की डिजाइन	उत्पाद/उत्पादन का वर्ष	सम्बद्ध भारतीय मानक की पदसंख्या और शीर्षक	मानक चिह्न की डिजाइन का शब्दिक विवरण
(1)	(2)	(3)	(4)	(5)
1.		तल्ले का चमड़ा	IS : 579-1962 तल्ले के चमड़े की विशिष्टि (पुनरीक्षण)	भारतीय मानक संस्था की मोनोग्राम जिसमें 'ISI' शब्द होते हैं स्तम्भ (2) में दिखाई सैली और अनुपात में तैयार किया गया है, और जैसा दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या और नीचे की ओर 'सोल लेदर' (तल्ले का चमड़ा) शब्द दिये गये हैं।

[सं० सी० एम० डी०/13 : 9]

S. O. 55—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for various products, details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each:

THE SCHEDULE

Serial No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit	Date of effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	Galvanized stay strand	IS : 2141-1968 Specification for galvanized stay strand (<i>first revision</i>).	One metric tonne.	Rs. 1.50	16 October, 1970.
2.	Beer.	IS : 3885-1966 Specification for beer.	1000 litres	(i) Re. 1.00 per unit for the first 1000 units, (ii) Re. 0.50 per unit for the next 10,000 units and (iii) Re. 0.30 per unit for the 11001st unit and above.	16 October, 1970
3.	Unplasticized PVC pipes for potable water supplies.	IS : 4968-1968 Specification for unplasticized pipes for potable water supplies.	One metre.	One paisa.	1 November, 1970

[No. CMD/13:10.]

एस० आ० 55.—भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955, के विनियम 7 के उपविनियम (3) के अनुसार भारतीय मानक संस्था की ओर से सूचित किया जाता है कि विभिन्न वस्तुओं की प्रति इकाई मुहरांकन फीस, जिसके व्यौरे नीचे अनुसूची में दिये हैं, निर्धारित की गई है और यह फीस उनके आगे दी हुई तिथियों से लागू हो जायेगी।

अनुसूची]

क्रमांक	उत्पाद/उत्पाद का वर्ग	सम्बद्ध भारतीय मानक संख्या और शीर्ष	इकाई	प्रति इकाई मुहर लगाने की फीस	लागू होने की तारीख
(1)	(2)	(3)	(4)	(5)	(6)
1.	जस्ता चढ़े लड़दार टेकतार	IS : 2141-1968 जस्ता चढ़े लड़दार टेकतारों की विशिष्टि (पहला पुनरीक्षण)	एक मीटरी टन	रु० 1.50	16 अक्टूबर, 1970
2.	बियर	IS : 3865-1966 बियर की विशिष्टि	1000 लीटर	(1) रु० 1.00 प्रति इकाई पहली 1000 इकाइयों तक (2) रु० 0.50 प्रति इकाई अगली 10000 इकाइयों के लिए (3) रु० 0.30 प्रति इकाई 11001वीं और आगे की इकाइयों के लिए ।	16 अक्टूबर, 1970
3.	बर्तनों में पानी भरने के अनम्यकृत पी वी सी के पाइप	IS : 4985-1968 बर्तनों में पानी भरने के अनम्यकृत पी वी सी के पाइपों की विशिष्टि	1 मीटर	एक पैसा	1 नवम्बर, 1970

S.O.56.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification [Marks] Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for various products; details of which are given in the Schedule here to annexed have been determined and the fee(s) shall come into force with effect from the dates shown against each:

THE SCHEDULE

Serial No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit	Date of effect
(1)	(2)	(3)	(4)	(5)	(6)
1	Timber panelled and glazed shutters	IS : 1003 (Part-I)-1966 specification for timber panelled and glazed shutters (first revision) Part I Door shutters	One square metre	10 Paise	16 Nov. 1970
2	Timber door, window and ventilator frames	IS : 4021-1967 Specification for timber door, window and ventilator frames.	One square metre	10 paise	16 Nov. 1970
3	Pine oil	IS : 5757-1970 Specification for pine Oil	One litre	1 paise	1 Nov. 1970

[No. CMD 13:10]

एस० नो० 56.—भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के विनियम 7 के उपविनियम (3) के अनुसार भारतीय मानक संस्था की ओर से सूचित किया जाता है कि विभिन्न वस्तुओं की मुहरांकन फीस जिनके व्योरे नीचे अनुसूची में दिये हैं, निर्धारित की गई है और ये फीसे उनके आगे बताई तारीखों से लागू हो जायेंगी।

अनुसूची

क्रमांक	उत्पाद/उत्पाद का वर्ग	सम्बद्ध भारतीय मानक पदसंख्या और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस	लागू होने की तारीख
(1)	(2)	(3)	(4)	(5)	(6)
1	लकड़ी के पैनल लगे और और कांच लगे किवाड़	IS : 1003 (भाग I)—1966 लकड़ी के पैनल लगे और कांच लगे किवाड़ों की विशिष्टि (पहला पुनरीक्षण), भाग 1 दरवाजों के किवाड़	एक वर्ग मीटर	10 पैसे	16 नवम्बर 1970
2	दरवाजों, खिड़कियों और रोशनदानों के लकड़ी के चौखटे	IS : 4021-1967 दरवाजों, खिड़कियों और रोशनदानों के लकड़ी के चौखटों की विशिष्टि	एक वर्ग मीटर	10 पैसे	16 नवम्बर 1970
3	चीड़ का तेल	IS : 5757-1970 चीड़ के तेल की विशिष्टि	एक लीटर	1 पैसे	1 नवम्बर 1970

[सं० सो० एम० डी०/13 : 10]

S.O. 57.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks), Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that eighteen licences, particulars of which are given in the following Schedule, have been granted authorizing the licensees to use the Standard Marks:

THE SCHEDULE

Serial No.	Licence No. CM/L-	Period of Validity		Name and Address of the Licensee	Article/Process covered by the Licence and the Relevant IS: Designation
		From	To		
(1)	(2)	(3)	(4)	(5)	(6)
1	CM/L-2383 5-8-1970	1-9-1970	31-8-1971	Pampasar Distillery, India Sugars & Refineries Ltd., Hospet, Bellary District, Mysore State.	Brandies—IS : 4450-1967
2	CM/L-2384 5-8-1970	1-9-1970	31-8-1971	Do.	Whiskies—IS : 4449-1967
3	CM/L-2385 6-8-1970	16-8-1970	15-8-1971	Shree Ram Engg. & Mfg. Industries, Pratapnagar (Factory Area), Baroda, (Gujarat State).	Domestic gas stoves for use with liquefied petroleum gases IS : 4246-1967.
4	CM/L-2386 10-8-1970	1-9-1970	31-8-1971	Pampasar Distillery, India Sugars & Refineries Ltd., Hospet, Bellary District, Mysore State.	Rectified spirit, Grade I IS : 323-1959.
5	CM/L-2387 10-8-1970	16-8-1970	15-8-1971	Highland Metal Industries, Village Wali, Taluka Bassein, Distt. Thana (Maharashtra) having their office at B-24, Sarvodaya Nagar, Panjrapole Lane, Bombay-4.	Wrought aluminium and aluminium alloy utensils, Grade SIC-IS : 21-1959.
6	CM/L-2388 12-8-1970	16-8-1970	15-8-1971	Gagalbhai Jute Mills, Division : Matatlal Gagalbhai & Co., Private Ltd., Sijheria, Uluberia, Distt. Howrah (W. Bengal) having their office at 38, Chowringhee Road, Calcutta-16.	Jute bagging for wrapping cotton bales—IS : 4436-1967.
7	CM/L-2389 12-8-1970	16-8-1970	15-8-1971	I.B.I. Private Ltd., S-86, Andheri Kurla Road, Bombay-59 having their Regd. office at Victoria Building, Parsee Bazaar Street, Fort, Bombay-1 BR	Water stills for pyrogen-free distilled water—IS : 3830-1966.

8	CM/L-2390 14-8-1970	.	.	.	.	16-8-1970	15-8-1971	The Parshuram Pottery Works Co. Ltd., Glazed earthenware tiles-IS:777 Amarpara, Wankaner (Gujarat State) having their Regd. office at Morvi, (Gujarat State).	-1961
9	CM/L-2391 18-8-1970	.	.	.	.	1-9-1970	31-8-1971	Shah Medical & Surgical Co. Ltd., Needles, hypodermic-IS:3317- Ajwa Road, Baroda having their office at 311, Sardar Patel Road, Bombay-4.	1965
10	CM/L-2392 19-8-1970	.	.	.	.	1-9-1970	31-8-1971	Tropical Agrosystems (P) Ltd., 520/2 Endrin emulsifiable concentrates B, Vanagaram Road, Ambattur, Madras-53, having their office at 20 Maniappa Road, Madras-10.	IS : 1310-1958.
11	CM/L-2393 19-8-1970	.	.	.	.	1-9-1970	31-8-1971	Associated Instruments Mfr's (I) Pri- Cube moulds for cement testing vate Ltd., 35, Najafgarh Road, New Delhi-15 having their office at Sunlight Buildings, 26-27, Asaf Ali Road, New Delhi-1.	as per clause 8.4.2.—IS : 4031- 1968
12	CM/L-2394 19-8-1970	.	.	.	.	1-9-1970	31-8-1971	Yogi Raj Chemical Laboratories, Gill Ink, stamopad—IS : 393-1968. Road, Millerganj, Ludhiana.	
13	CM/L-2395 31-8-1970	.	.	.	.	1-9-1970	31-8-1971	The Hind Iron Foundry, Railway Road, Cast iron flushing cisterns for Batala (Punjab)	water closets and urinals, high level, bell type, 12.5 litres, capacity only—IS : 774-1964.
14	CM/L-2396 31-8-1970	.	.	.	.	1-9-1970	31-8-1971	Excel Industries Ltd., 184-87, Swami Malathion technical—IS : 1832- Vivekanand Road, Jogeshwari, Bom- bay-60	1961
15	CM/L-2397 31-8-1970	.	.	.	.	1-9-1970	31-8-1971	Do.	Malathion emulsifiable concen- trates—IS : 2567-1963
16	CM/L-2398 31-8-1970	.	.	.	.	16-9-1970	15-9-1971	Tuticorin Salt Refineries Ltd., Urani Light magnesium carbonate for Extension, Salt Factory, Tuticorin- 4 having their office at 283, West Great Cotton Road, Tuticorin-2.	cosmetic industry—IS:2528- 1963
17	CM/L-2399 31-8-1970	.	.	.	.	1-9-1971	31-8-1971	Gannon Dunkerley & Co. Ltd., Old Welded low carbon steel gas B.P.T. Road, Mahul, Bombay-74 AS having their Regd. Office at Char- tered Bank Building, Post Box No. 1547, Fort, Bombay-1 BR.	cylinders of 33.3 litres water capacity for the storage and transportation of low pressure liquefiable gases — IS:3196- 1968
18	CM/L-2400 31-8-1970	.	.	.	.	1-9-1970	31-8-1971	Artee Minerals, 15/7, Mathura Road, Malathion emulsifiable con- Faridabad (Haryana)	centrates—IS : 2567-1967

एस० आर० 57.--पमय समय पर मंगोदित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के विनियम 8 के उपविनियम (1) के अनुसार भारतीय मानक संस्था की ओर से सूचित किया जाता है कि 18 लाइसेंस जिनके व्योरे नोवे अनुसूची में दिये हैं लाइसेंसधारियों को मानक सम्बन्धी मुहर लगाने का अधिकार देते हुए स्वीकृत किये गये हैं :

अनुसूची

क्रम संख्या	लाइसेंस संख्या सी एम/एल	वैधता की अवधि		लाइसेंसधारी का नाम और पता	लाइसेंस के अधीन वस्तु/प्रक्रिया और तत्सम्बन्धी भारतीय मानक IS : पदनाम
		से	तक		
(1)	(2)	(3)	(4)	(5)	(6)
1	सी एम/एल-2383 5-8-1970	1-9-1970	31-8-1971	पम्पासर डिस्टिलरी इंडिया झूगर्स एण्ड रिफाइनरीज लि० होजपेट, बेलारी जिला मसूर राज्य	ब्रान्डियां IS : 4450-1967
2	सी एम/एल-2384 5-8-1970	1-9-1970	31-8-1971	,,	द्विक्तियां IS : 4449-1967
3	सी एम/एल-2385 6-8-1970	16-8-1970	15-8-1971	श्रीराम इंजीनियरिंग एण्ड मैक्यूफैक्टचरिंग इंडस्ट्रीज; प्रतापनगर (फक्करी क्षेत्र) बड़ौदा (गुजरात राज्य)	द्रवित पेट्रोलियम गैस से चलने वाले घरेलू गैस स्टोव IS : 4246-1967
4	सी एम/एल-2386 10-8-1970	1-9-1970	31-8-1971	पम्पासर डिस्टिलरी इंडिया झूगर्स एण्ड रिफाइनरीज लि० होजपेट, बेलारी जिला मसूर राज्य	परिशोधित स्पिरिट, ग्रेड I IS : 323-1959

5	सी एम/एल-2387 10-8-1970	16-8-1970	15-8-1971	हाईलण्ड मेटल इंडस्ट्रीज गांव वलीव, तालुका बसीन जिला थाना (महाराष्ट्र) इनका कार्यालय बी-24 सर्वोदय नगर पिञ्जरापोल गली, बम्बई-4 में है।	पिटवां एल्युमिनियम और एल्यु- मिनियम मिश्रधातु के बर्तन ग्रड एस आई सी IS : 21-1959
6	सी एम/एल-2388 12-8-1970	16-8-1970	15-8-1971	गगलभाई जूट मिल्स डिवीजन : सफतलाल गगलभाई एण्ड कं० प्रा० लि० सिजबेरिया, उलुबेरिया जिला हावड़ा (प० बंगाल) इनका कार्यालय 38 चौरंगी रोड कलकत्ता-16 में है।	सूती गांठों में लपेटने के लिये पटसन के बैगिंग— IS : 4436-1967
7	सी एम/एल-2389 12-8-1970	16-8-1970	15-8-1971	आई० बी० आई० प्रा० लि० एस-86 अंधेरी कुर्ला रोड बम्बई-59; इनका कार्यालय विक्टोरिया बिल्डिंग पारसी बाजार स्ट्रीट, फोर्ट, बम्बई-1 में है।	पायरोजन-रहित आसुत पानी के लिए भभके— IS : 3830-1966
8	सी एम/एल-2390 14-8-1970	16-8-1970	15-8-1971	दि पशुराम पाटरी वर्क्स कं० लि० अमरवाड़ा, बांकनेर (गुजरात राज्य)] इनका रजि० कार्यालय मोर्वी (गुजरात राज्य) में है।	काँचाभ अदंतवयर के टाइल— IS : 777-1961
9	सी एम/एल-2391 18-8-1970	1-9-1970	31-8-1971	शाह मेडिकल एण्ड सर्जिकल कं० लि० अजवा रोड, बड़ौदा इनका कार्यालय 311, सरदार पटेल रोड, बम्बई-4 में है।	अघोत्वक (हाइपोडरमिक) सुइयां— IS : 3317-1965

(1)	(2)	(3)	(4)	(5)	(6)
10	सी एम/एल-2392 19-8-1970	1-9-1970	31-8-1971	ट्रापिकल ऐग्रेसिस्टमस (प्रा०) लि० 520/2 बी वनगराम रोड अम्बतूर, मद्रास-53 इतका कार्यालय 20 मतिप्पारोड, मद्रास-10 में है।	एन्ड्रिन का पायसनीय तेज द्रव— IS : 1310-1958
11	सी एम/एल-2393 19-8-1970	1-9-1970	31-8-1971	एसोसियेटेड इंस्ट्रुमेण्ट्स मैन्युफैक्चरिंग (आई) प्रा० लि० 35, नजफगढ़ रोड, नई दिल्ली-15 इतका कार्यालय सनलाइट बिल्डिंग, 26, 27 आसफगली रोड, नई दिल्ली-1 में है।	खण्ड 8.4.2 के अनुसार सोमेट के परीक्षण के लिए घन सांचे IS : 4031-1968
12	सी एम/एल-2394 19-8-1970	1-9-1970	31-8-1971	योगीराज कैमिकल लेबोरेट्रीज गिल रोड, मिलर गंज लुधियाना	मुहर लगाने की पड की स्याही IS : 393-1968
13	सी एम/एल-2395 31-8-1970	1-9-1970	31-8-1971	दि हिन्द आयरन फाउंड्री रेलवे रोड बटाला (पंजाब)	मूत्रालयों के लिये केवल 12.5 लीटर समाई वाली ऊंचे स्तर वाली घंटानुमा डलवालोहे की क्लश की टंकियां IS : 774-1964
14	सी एम/एल-2396 31-8-1970	1-9-1970	31-8-1971	एक्सेल इण्डस्ट्रीज लि० 184-87 स्वामी विवेकानन्द रोड जोगेश्वरी, बम्बई-7	मालाथियोन तकनीकी IS : 1832-1961

15	सी एम/एल-2397 31-8-1970	1-9-1970	31-8-1971	,,	माताधियोन पायसनीय तेज चूर्ण IS : 2567-1963
16	सी एम/एल-2398 31-8-1970	16-9-1970	15-9-1971	तूतीकोरन साल्ट रिफाइनरीज लि० यू रानी एक्सटेन्शन, साल्ट फैक्टरी, तूतीकोरन-4 इतका कार्यालय 283 वेस्टग्रेट काटन रोड, तूतीकोरन-2 में है।	श्रंगार प्रसाधन उद्योग के लिये मेगनोशियम कार्बोनेट- IS : 2528-1963
17	सी एम/एल-2399 31-8-1970	1-9-1970	31-8-1971	गनन डंकरले एण्ड कं० लि० ओल्ड बी० पी० टी० रोड, माहुल बम्बई-74 ए एस इतका रजिस्टर्ड कार्यालय चार्टर्ड बैंक बिल्डिंग, पो० बा० नं० 1547, फोर्ट, बम्बई-1 बो आर में है।	अल्प दाब द्रवणीय गैसों के भण्डारण और परिवहन के लिए 33.3 लीटर पानी की समाईवाले वेल्ड्ड अल्प कार्बन इस्पात के गैस सिलिंडर IS : 3196-1968
18	सी एम/एल-2400 31-8-1970	1-9-1970	31-8-1971	आरती मिनरलस 15/7, मथुरा रोड फरीदाबाद (हरयाणा)	माताधियोन पायसनीय तेज चूर्ण IS : 2567-1967




[संख्या सी एम डो/13 : 11]

New Delhi, the 10th December, 1970

S.O. 58—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standard Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations Framed thereunder, shall come into force with effect from the dates shown against each :

THE SCHEDULE

Sl No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark	Date of effect
1	2	3	4	5	6
1		Tower bolts	IS : 204-1966 Specification for tower bolts (<i>second revision</i>)	The monogram of the Indian Standards Institution consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 September 1970
2		Propeller type ac ventilating fans	IS : 2312-1967 Specification for propeller type ac ventilating fans (<i>first revision</i>)	The monogram of the Indian Standards Institution consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 Oct 1970
3		Metal head frames for flat steel heads	IS : 4465-1967 Specification for metal head frames for flat steel heads	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1 Oct. 1970



[No. CMD/13/9]


नई दिल्ली, 10 दिसम्बर, 1970

एस० ओ० 58— भारतीय मानक संस्था (प्रमाणन चिन्हन) नियम 1955, के नियम 4 के उपनियम (1) के अनुसार भारतीय मानक संस्था की ओर से सूचना दी जाती है कि मानक चिन्हन जिन 1 डिजाइन और शाब्दिक विवरण तत्सम्बन्धी भारतीय मानकों के शीर्षक सहित नीचे अनुसूची में दिए हैं, भा मा संस्था द्वारा निर्धारित किए गए हैं।

भारतीय मानक संस्था (प्रमाणन चिन्हन) अधिनियम 1952 और उसके अधीन बने नियमों के निमित्त ये मानक-चिन्हन उनके आगे लिखी तिथियों से लागू हो जायेंगे।

अनुसूची

क्रमांक	मानक चिन्हन की डिजाइन	उत्पद/उत्पाद का वर्ग	सम्बद्ध भारतीय मानक की पद संख्या और शीर्षक	मानक चिन्हन की डिजाइन का शाब्दिक विवरण	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.		टावर चटखनियां	IS: 204-1966 टावर चटखनियों की विशिष्ट (दूसरा पुनरीक्षण)	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं स्तम्भ (2) में दिखाई शैली और अनुपात में तैयार किया गया है। और जैसा दिखाया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या दी हुई है।	16 सितम्बर 1970
2.		ए सी के पंखदार संवातक पंखे	IS: 2312-1967 ए सी के पंखदार संवातक पंखों की विशिष्ट	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं स्तम्भ (2) में दिखाई शैली और अनुपात में तैयार किया गया है, और जैसा दिखाया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पद संख्या दी हुई है।	16 अक्टूबर 1970

(1)	(2)	(3)	(4)	(5)	(6)
3.		इस्पात के चपटे होल्डरों के लिए धातु के हील्ड फ्रेम	IS: 4465-1967 इस्पात के चपटे हील्डों के लिए धातु के हील्ड-फ्रेम	भारतीय मानक संस्था का मौनोग्राम जिसमें 1 अक्टूबर 1970 ISI शब्द होते हैं स्तम्भ (2) में दिखाई शैली और अनुपात में तैयार किया गया है, और जैसा दिखाया है उस मौनोग्राम के ऊपर की ओर भारतीय मानक की पद संख्या दी हुई है।	[सं० सी एम डी/13 : 9]

S.O. 59—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations 1955 the Indian Standards Institution hereby notifies that the marking fee(s) per unit for Various products details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each :

THE SCHEDULE

Sl No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit	Date of effect
1	2	3	4	5	6
1	Tower bolts	IS : 204-1966 Specification for tower bolts (<i>second revision</i>)	One piece	1 paisa	16 September 1970
2	Propeller type ac ventilating fans	IS : 2312-1967 Specification for propeller type ac ventilating fans	One fan	(i) Re. 1.00 per unit for the 1st 1,000 units and	16 October 1970
3	Metal head frames for flat steel heads	IS : 4465-1967 Specification for metal head frames for flat steel heads	1,000 cm	(ii) Re. 0.50 per unit for the 1,000 1st unit and above. Re 1.00	October 1970

[No.CMD/13 : 10]

A.K. GUPTA,
Deputy Director General.

एस० आ० 59—भारतीय मानक संस्था (प्रमाणन चिह्नन) विनियम, 1955 के विनियम 7 के उपविनियम (3) के अनुसार भारतीय मानक संख्या की ओर से सूचित किया जाता है कि विभिन्न वस्तुओं की मुहरांकन फीस जिनके ब्योरे नीचे अनुसूची में दिए हैं, निर्धारित की गई हैं और ये फीसें उनके आगे लिखी तिथियों से लागू हो जाएंगी।

अनुसूची

क्रमांक	उत्पाद/उत्पाद का वर्ग	समबद्ध भारतीय मानक की पद-संख्या और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस	लागू होने की तारीख
(1)	(2)	(3)	(4)	(5)	(6)
1.	टावर चटखनी	IS : 204-1966 टावर चटखनियों की विशिष्टि (दूसरा पुनरीक्षण)	एक चटखनी	एक पैसा	16 सितम्बर 1970
2.	एसी के पंखदार संवातक पंखे	IS : 2312-1967 ए सी के पंखदार संवात पंखों की विशिष्टि	एक पंखा	(1) पहली 1000 इकाइयों तक रु० 1.00 प्रति इकाई (2) 1001 वीं और उससे ऊपर इकाइयों के लिए रु० 0.50 प्रति इकाई	16 अक्टूबर 1970
3.	इस्पात के चपटे हील्डों के लिए धातु के हील्ड-फ्रेम	IS : 4465-1967 इस्पात के चपटे हील्डों के लिए धातु के हील्ड-फ्रेम	1000 से मी	रु० 1.00	1 अक्टूबर 1970

[सं० सी० एस० डी०/13:10]

ए० के० गुप्ता,
उपमहानिदेशक।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 11th December 1970

S.O. 60.—In pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby nominates Shri D. S. Nim, Joint Secretary to the Government of India, Department of Labour and Employment, to be a member of the Employees' State Insurance Corporation, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2551, dated the 9th August, 1968, namely:—

In the said notification under the heading "[Nominated by the Central Government under clause (c) of section 4]"—

- (a) the entry against item 4 shall be omitted;
- (b) the existing entries against items 5 and 6 shall be inserted against items 4 and 5 respectively;
- (c) against item 6, the following entry shall be inserted, namely:—

"Shri D. S. Nim, Joint Secretary to the Government of India, Department of Labour and Employment, New Delhi."

[No. F. 202/2/70-HI.]

श्रम, रोजगार और पुनर्वासि मंत्रालय

(श्रम और रोजगार विभाग)

नई दिल्ली, 11 दिसम्बर, 1970

एस० ओ० 60 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, केन्द्रीय सरकार एतद्वारा श्री डी० एस० निम, संयुक्त सचिव, भारत सरकार, श्रम और रोजगार विभाग को कर्मचारी राज्य बीमा निगम का सदस्य नामनिर्दिष्ट करती है और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० प्रा० 2551, तारीख 9 अगस्त, 1966 में और आगे निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में "(धारा 4 के खण्ड (ग) के अधीन केन्द्रीय सरकार द्वारा नामनिर्दिष्ट)" शीर्षक के नीचे—

- (क) मद 4 के सामने की प्रविष्टि का लोप कर दिया जाएगा;
- (ख) मद 5 और 6 के सामने की विद्यमान प्रविष्टियों को क्रमशः मद 4 और 5 के सामने अन्तः स्थापित किया जाएगा;
- (ग) मद 6 के सामने निम्नलिखित प्रविष्टि अन्तः स्थापित की जाएगी, अर्थात् :—

"श्री डी० एस० निम,
संयुक्त सचिव, भारत सरकार,
श्रम और रोजगार विभाग,
नई दिल्ली।"

[सं० का० 202/2/70-एच० आई०]

S.O. 61.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri G. Pullaiah to be an Inspector for the whole of the State of Punjab and Haryana and the Union Territories of Chandigarh and Himachal Pradesh for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of, the Central Government, or in relation to any establishment connected with a railway company, a mine or an oil field or a controlled industry.

[No. A. 12015(2)/70-PFI(1).]

का० प्रा० 61.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री जी० पुल्लैयाह को उक्त अधिनियम और उसके अधीन विरचित किसी स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कंपनी, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में सम्पूर्ण पंजाब और हरियाणा राज्यों और चंडीगढ़ और हिमाचल प्रदेश के संघ राज्य-क्षेत्रों के लिए निरीक्षक नियुक्त करती है।

[सं० ए० 12015(2)/70-पी० एफ० I(ii)]

S.O. 62.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri M. L. Gupta to be an Inspector for the whole of the Union territory of Delhi for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or and in relation to any establishment connected with a railway company, a mine or an oil-field or a controlled industry.

[No. 21(5)/68-PF-I.]

का० प्रा० 62.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री० एम० एल० गुप्त को उक्त अधिनियम और उसके अधीन विरचित किसी स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के सम्बन्ध में या किसी रेल कम्पनी, खान या तेल क्षेत्र या नियंत्रित उद्योग से सम्बन्धित किसी स्थापन के सम्बन्ध में सम्पूर्ण दिल्ली संघ राज्य-क्षेत्र के लिए निरीक्षक नियुक्त करती है।

[संख्या 21(5)/68-पी० एफ०-I]

S.O. 63.—In pursuance of section 8 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby nominates Shri D. S. Nim, Joint Secretary to the Government of India, Department of Labour and Employment, to be a member of the Standing Committee of the Employees State Insurance Corporation, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 995 dated the 1st March, 1969, namely:—

In the said notification under the heading "(Nominated by the Central Government under clause (b) of section 8)" against item 2, the following entry shall be inserted, namely:—

"Shri D. S. Nim, Joint Secretary to the Government of India, Department of Labour and Employment, New Delhi."

[No. F. 202(2)/70-HI.]

का० प्रा० 63.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 8 के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री डी० एस० निम, संयुक्त सचिव, भारत सरकार, श्रम और रोजगार विभाग, को कर्मचारी राज्य बीमा निगम की स्थायी समिति का सदस्य नामनिर्दिष्ट करती है और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की

अधिसूचना संख्या का० आ० 995 तारीख 23 नवंबर, 1969 में जोर प्रो विमानों की संरक्षण करती है, अर्थातः—

उक्त अधिसूचना में “(धारा 8 के खण्ड (ख) के अधीन केन्द्रीय सरकार द्वारा नामनिर्दिष्ट)” शीर्षक के नीचे, मद 2 के सामने, निम्नलिखित प्रविष्टि अन्तः स्थापित की जाएगी, अर्थातः :

“श्री डी० एस० निम,
संयुक्त सचिव, भारत सरकार,
श्रम और रोजगार विभाग”

[सं० का० 202 (2) /70-एच० आई०]

New Delhi, the 16th December 1970

S.O. 64.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (43 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1605 dated the 23rd April, 1970 the Central Government having regard to the location of the factory, namely, Workshop belonging to the Municipal Corporation, Indore, in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 29th June, 1970 upto and inclusive of the 28th June, 1971.

[File No. 601(2)/70-HI.]

नई दिल्ली, 16 दिसम्बर 1970

का० आ० 64.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 1605 तारीख 23 अप्रैल, 1970 के क्रम में केन्द्रीय सरकार कारखाने, अर्थात, नगर निगम, इंदौर की कर्मशाला को ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त है, अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम, के अध्याय 5—क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 29 जून, 1970 से 28 जून, 1971 तक जिसमें वह दिन भी सम्मिलित हैं, एक और वर्ष की कालावधि के लिए एतद्द्वारा छूट देती है।

[सं० का० 601 (2) /70-एच० आई०]

S.O. 65.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4832 dated the 26th November, 1969, the Central Government having regard to the location of the Tirumala Tirupathi Dewasthanam Transport Garage Workshop, Tirupathi in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said workshop from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 28th August, 1970 upto and inclusive of the 27th August, 1971.

[No. F. 601(22)/70-HI.]

का० आ० 65:—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 4832 तारीख 26 नवम्बर, 1969 के क्रम में केन्द्रीय सरकार तिरुमल तिरुपतिवेव स्थानम ट्रांसपोर्ट गैरेज वर्कशॉप, तिरुपति को ऐसे क्षेत्र में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त है, अवस्थिति को ध्यान में रखते हुए

उक्त कर्मशाला को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 28 अगस्त, 1970 से 27 अगस्त, 1971 तक जिसमें वह दिन भी सम्मिलित है, एक और वर्ष की कालावधि के लिए एतद्वारा छूट देती है

[सं० फा० 601 (22)/70-एच० आई०]

S.O. 66.—In exercise of the powers conferred by section 73F of the Employees State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) No. S.O. 2970, dated the 16th July, 1969, the Central Government having regard to the location of the factory, namely Cottage Industries and Textile Training Institute, Nagpur, in an area in which the provisions of Chapter IV and V of the said Act are in force, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 2nd June, 1970 upto and inclusive of the 1st June, 1971.

[No. F. 601(19)/70-HI.]

फा० आ० 66.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या फा० आ० 2970 तारीख 16 जुलाई, 1969 के क्रम में केन्द्रीय सरकार कारखाने, अर्थात् कुटीर-उद्योग और वस्त्र प्रशिक्षण संस्थान, नागपुर की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रदत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 2 जून, 1970 से प्रथम जून, 1971 तक जिसमें वह दिन भी सम्मिलित है, एक और वर्ष की कालावधि के लिये एतद्वारा छूट देता है।

[सं० फा० 601(19)/70-एच० आई०]

S.O. 67.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 683 dated the 11th February, 1970, the Central Government having regard to the location of the Police Automobile Workshops at Bikaner and Jodhpur, in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said workshops from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 1st July, 1970, upto and inclusive of the 30th June, 1971.

[No. F.60(21)/70-HI.]

फा० आ० 67.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या फा० आ० 683 तारीख 11 फरवरी, 1970 के क्रम में केन्द्रीय सरकार बीकानेर और जोधपुर में पुलिस आटोमोबाइल कर्मशालाओं की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कर्मशालाओं को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से प्रथम जुलाई, 1970 से 30 जून, 1971 तक जिसमें वह दिन भी सम्मिलित है, एक और वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[सं० फा० 601(21)/70-एच० आई०]

S.O. 68.—In exercise of the powers conferred by section 73F of the Employees State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4411, dated the 22nd

October, 1969, the Central Government having regard to the location of the establishment, namely Security Paper Mill Project, Hoshangabad, in non-implemented area in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said establishment from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 1st November, 1970 upto and inclusive of the 31st October, 1971.

[No. F. 601(47)/70-III.]

का० प्रा० 68.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० प्रा० 4411 तारीख 22 अक्टूबर, 1969 के क्रम में केन्द्रीय सरकार स्थापन की अर्थात् सिक्योरिटी पेपर मिल प्रोजेक्ट, होशंगाबाद की अकार्यान्वयन क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त नहीं हैं, अवस्थिति को ध्यान में रखते हुए उक्त स्थापन को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से प्रथम नवम्बर, 1970 से 31 अक्टूबर, 1971 तक जिसमें वह दिन भी सम्मिलित है, एक और वर्ष के कालावधि के लिए एतद्वारा छूट देती है।

[सं० फा० 601(47)/70-एच० आई०]

S.O. 69.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4831 dated the 26th November, 1969, the Central Government having regard to the location of the Diesel Power House owned by the Bombay Port Trust, Bombay in an area in which the provisions of Chapters IV and V of the Act are in force, hereby exempts the said power house from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 5th November, 1970 upto and inclusive of the 4th November, 1971.

[No. F. 601(48)/70-HI.]

का० प्रा० 69.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० प्रा० 4831 तारीख 26 नवम्बर, 1969 के क्रम में केन्द्रीय सरकार मुम्बई पत्तन न्यास, मुम्बई के स्वामित्वाधीन डीजल पावर हाउस को ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त पावर हाउस को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 5 नवम्बर, 1970 से 4 नवम्बर, 1971 तक जिसमें वह दिन भी सम्मिलित है, एक और वर्ष की कालावधि के लिये एतद्वारा छूट देती है।

[सं० फा० 601(48)/70-एच० आई०]

S.O. 70.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts (1) Mourigram Installation (Marketing Division), P.O. Radhadasl. District Howrah, and (2) Dum Dum Aviation Fuel Station (Marketing Division) Dum Dum Airport, Calcutta, belonging to Indian Oil Corporation Ltd., from all the provisions of the said Act for a period of one year with effect from the date of publication of the notification in the Official Gazette.

[No. F. 602(22)/70-HI.]

का० प्रा० 70.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारतीय तेल निगम लिमिटेड के (1) मोरी ग्राम इन्स्टालेशन (विपणन प्रभाग) डाकघर राधादासी, जिला हावड़ा और

(2) उम डम एयरपोर्ट, बलकत्ता को उक्त अधिनियम के सभी उपबन्धों से इस अधिवृत्ति के शासकीय राजपत्र में प्रकाशित होने की तारीख से एक वर्ष की कालावधि के लिये छूट देती है।

[सं० फा० 602(22)/70-एच० आई०]

S.O. 71.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factory known as Electric Meter Workshop and Instrument and Relay Section, Nirman Bhawan, New Delhi, belonging to the New Delhi Municipal Committee, in an area in which the provisions of Chapters IV and V of the Act are in force hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act for a period of one year with effect from the 11th September, 1970 upto and inclusive of the 10th September, 1971.

[No. F. 602(38)/70-HI.]

फा० प्रा० 71.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73व द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार नई दिल्ली नगरपालिका की विद्युत मीटर कर्मशाला और उपकरण और रिले अनुभाग, निर्माण भवन, नई दिल्ली, नामक कारखाने की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखानों को उक्त अधिनियम के अध्याय 5-क के अधीन उदग्रहणीय नियोजक के विशेष अभिदाय के संशय से 11 सितम्बर, 1970 से 10 सितम्बर, 1971 तक जिसमें वह दिन भी सम्मिलित है, एक और वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[सं० फा० 602 (38)/70 एच० आई०]

S.O. 72.—Nil.

S.O. 73.—Whereas the Central Government was satisfied that Messrs National Coal Development Corporation, P.O. Kathara, was situated in Kathara area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Hazaribagh in the State of Bihar;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the said Act in that area by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 3400, dated the 16th September, 1968;

And, whereas the Central Government is satisfied that the insurable population of the Kathara area in the district of Hazaribagh in the State of Bihar has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely:—

In the Schedule to the said notification Serial No. 1 and the entries relating thereto shall be omitted.

[No. F. 603(4)/70-HI.]

फा० प्रा० 73.—यतः केन्द्रीय सरकार को यह समाधान हो गया था कि मैसर्स नेशनल कोल डेवलपमेंट कारपोरेशन, डाकबर कथरा, कथरा क्षेत्र में स्थित था जो बिहार राज्य के हजारीबाग जिले में बिखरी हुई आबादी का क्षेत्र, (अर्थात् ऐसा क्षेत्र जिसकी बीमा योग्य आबादी 500 से कम थी) था;

और, यतः उसकी बिखरी हुई आबादी के क्षेत्र में अवस्थिति के आधार पर केन्द्रीय सरकार ने उक्त कारखाने को, भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिवृत्ति संख्या फा० प्रा० 3400 तारीख 16 सितम्बर, 1968 द्वारा कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 74व के अधीन नियोजक के विशेष अभिदाय

के संदाय से तब तक के लिये छूट दे दी थी जब तक कि उस अधिनियम के अध्याय 5 के उपबन्ध उस क्षेत्र में प्रवर्तित नहीं हो जाते;

और, यतः केन्द्रीय सरकार को यह समाधान हो गया है कि बिहार राज्य के हजारों बाग जिनमें कयरा क्षेत्र की बीमा योग्य आबादी अब 500 से बढ़ गई है, और वह अब बिकरी हुई आबादी का क्षेत्र नहीं है

अतः, अब कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73—ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त अधिसूचना में और आगे निम्नलिखित संशोधन करती है, अर्थात :—

उक्त अधिसूचना की अनुसूची में क्रम संख्या 1 और उससे सम्बन्धित प्रविष्टियों का लोप कर दिया जाएगा ।

[संख्या फा० 603 (4)/70—एच० आई०]

CORRIGENDA

New Delhi, the 11th December 1970

S.O. 74.—In the notification of the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2657, dated the 28th July, 1970, published at page 3586 of the Gazette of India, Part II, Section 3, Sub Section (ii), dated the 8th August, 1970, in line 10 from bottom.

for "P. D. Shanbhag" read "D. D. Shanbhag"

[No. 21(8)/69-PF-I.]

शुद्धिपत्रों

नई दिल्ली, 11 दिसम्बर, 1970

फा० आ० 74.—भारत के राजपत्र तारीख 8 अगस्त, 1970 भाग 2, खण्ड 3, उपखण्ड (ii) के पृष्ठ 3586 और 3587 पर प्रकाशित भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का आ० 2657 तारीख 28 जुलाई, 1970 में पृष्ठ 3587 पर प्रथम पंक्ति में—

"पी० डी० संभाग" के स्थान पर "डी० डी० संभाग" पढ़िए

[संख्या 21 (8)/69—पी० एफ०-1]

New Delhi, the 16th December 1970

S.O. 75.—In the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2488, dated the 13th July, 1970, published in the Gazette of India, Part II, section 3, sub-section (ii) at pages 3182 and 3183 in line 4 from bottom at page 3182 for "16th September, 1969", read "16th September, 1968".

[No. F.6(12)/68-HI.]

DALJIT SINGH, Under Secy.

नई दिल्ली, 16 दिसम्बर, 1970

फा० आ० 75.—भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii) पृष्ठ 3183 पर प्रकाशित भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० फा० आ० 2488 तारीख 13 जुलाई, 1970 में पंक्ति 6 में "16 सितम्बर, 1969" के स्थान पर "16 सितम्बर, 1968" पढ़िए ।

[सं० फा० 6(12)/68—एच आई]

दलजीत सिंह, अवर सचिव ।

(Department of Labour and Employment)*New Delhi, the 15th December 1970*

S.O. 76.—Whereas by the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2283, dated the 22nd June, 1970, the Central Government, being satisfied that the public interest so required, had declared the industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (14 of 1947), for a period of six months from the 22nd June, 1970.

And whereas the Central Government is of opinion that public interest requires the extension of the said period;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 22nd December, 1970.

[No. 1/84/70-LR-I.]

(श्रम और रोजगार विभाग)

नई दिल्ली, 15 दिसम्बर 1970

का० आ० 76.—यतः केन्द्रीय सरकार ने, यह समाधान हो जाने पर कि लोक हित में ऐसा अपेक्षित था, भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 2283 तारीख 22 जून, 1970 द्वारा दिल्ली दुग्ध स्कीम के अधीन दुग्ध के प्रदाय के लिए उद्योग को औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के प्रयोजनों के लिए 22 जून, 1970 से 6 मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और यतः केन्द्रीय सरकार की राय है कि लोक हित में उक्त कालावधि का बढ़ाया जाना अपेक्षित है ।

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड () के उपखण्ड (iii) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 22 दिसम्बर, 1970 से 6 मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं० 1/84/70-एल०आर०-I]

New Delhi, the 17th December 1970

S.O. 77.—Whereas, a vacancy has occurred in the office of the Presiding Officer of the Labour Court at Hyderabad, constituted by notification No. S.O. 456, dated the 5th February, 1963 of the Government of India in the late Ministry of Labour and Employment,

Now, therefore, in exercise of the powers conferred by section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri Tarachand Gupta as Presiding Officer of the Labour Court constituted as aforesaid.

[F. No. 1/52/70-LR1]

नई दिल्ली, 17 दिसम्बर 1970

का० आ० 77 —यतः भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना संख्या का० आ० 456 तारीख 5 फरवरी, 1963 द्वारा गठित हैदराबाद स्थित श्रम न्यायालय के पीठ-सीन अधिकारी का पद रिक्त हो गया है;

प्रतः श्रम औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री ताराचन्द गप्त को उपयुक्त रूप में गठित श्रम न्यायालय का पोटासन अधिकारी नियुक्त करता है।

[संख्या का० 1/52/70-एल०आर०-1]

एस० एस० सहस्रनमन, अवर सचिव।

New Delhi, the 19th December 1970

S.O. 78.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the Bank of Baroda and their workmen, which was received by the Central Government on the 14th December, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 42 OF 1970

PARTIES:

Employers in relation to the Bank of Baroda.

AND

Their workmen

PRESENT.

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of the Employers.—Mr. S. Sarkar, Advocate.

On behalf of Workmen.—Mr. A. D. Singh.

STATE: West Bengal.

INDUSTRY: Banking.

AWARD

By Order No. 23/29/70-LRIII, dated 3rd September 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the Bank of Baroda and their workmen, to this Tribunal, for adjudication, namely:

‘Whether the action of the Management of the Bank of Baroda, Calcutta-1, in transferring Shri C. R. Kundu, from the post of Cash-Peon-Cum-Daftry at the College Street Branch to the post of a Peon at the India Exchange Branch with effect from 25th November, 1969 and thereby depriving him of the special Daftry allowance was justified? If not, to what relief is the workman entitled?’

2. If the order of Reference be analysed properly, it appears that the workmen's grievance was of two-fold nature. The grievance was directed, from anything apart, against an order of transfer, in the first place, and, in the next place, the grievances as against a transfer inflicting upon the concerned workmen the loss in the form of deprivation of special “daftry allowance”.

3. The following facts are not disputed. The concerned workman, C. R. Kundu, was appointed, in the subordinate grade of the Bank's service, as a Cash Peon with effect from May 1, 1966, in the Burra Bazar Branch of the Bank. Thereafter, he was transferred to the Sealdah Branch and subsequently to the College Street Branch of the Bank, with effect from July 30, 1967. Since his transfer to the College Street branch, he was entrusted with the duty of a “daftry” in addition to his regular work as a peon.

4. Now, the settlement arrived at between the Bank's management and their workmen on the 19th October, 1966 (hereinafter referred to as the bipartite agreement), provides, in paragraph 53 of Part II, Chapter V (page 14), for payment special allowance to the members of the subordinate staff for duties and responsibilities as listed in Part II of Appendix B of the settlement. The special

payable to dafftries, under the aforesaid paragraph, in class "A" banks (to which the employer Bank belongs), comes upto Rs. 15/- per month.

5. In paragraphs 7 and 8 of the written statement filed by the employer bank it is pleaded:

"7. That the concerned employee made representations to the Bank for granting him the 'Special Allowance' for Dafftry's work as specified in Bipartite Settlement of 1966. Following his individual representations, the Bank of Baroda Ltd., Calcutta Staff Association took up the matter on behalf of the concerned employee with the management and threatened that unless the said dispute for special allowance is settled, the Union will resort to other methods, for settlement of the dispute.**"

8. That in order to avoid further dispute, the Bank conceded to the demands of the Union in good faith and in consideration of fair industrial relations. Accordingly the Bank paid the entire amount of special allowance payable to the concerned employee under Bipartite Settlement of 1966 and transferred him to India Exchange Office with effect from 27th November, 1969. The vacancy created by the said transfer at the College Street Branch was replaced by one Sri Jhansi Ram Bari from India Exchange Office who is entitled to Peon-Cum-Dafftry work on the basis of seniority of service in category of Peons in the group of subordinate staffs of Bank's services. This transfer was effected in terms of the demand of the sponsoring Union for implementing city-wise seniority in the Bank's service."

6. The transfer to the Indian Exchange branch caused to the workman deprivation of the dafftry allowance of Rs. 15/- per month, because he was posted in the said branch merely as a Cash peon. This raised the present industrial dispute. It should be noted that the management categorically denied the charge of mala fides in effecting the transfer of the concerned workman from College Street branch to the Indian Exchange branch.

7. In the written statement filed on behalf of the workmen represented by Bank of Baroda Staff Union. It was stated in paragraph 3 as follows:

"That the management evaded the claim of Sri C. R. Kundu for more than two years, but after a hard pressure from Sri Kundu, the management paid him a lumpsum amount of Rs. 969.15, the whole arrears of his claim for about 31 months, and victimised Shri Kundu by transferring him from College Street Branch of the Bank to India Exchange Branch in order to forfeit his aforesaid special allowance. The transfer was made with effect from 25th of November 1969 and Shri Kundu's status was lowered from Dafftry to an ordinary peon."

It was further stated in paragraph 5 of the said written statement:

"That without prejudice to our above contention, even if Sri Kundu was not a permanent incumbent for the said special allowance, and the management for the first time introduced a special allowance at their College Street Branch of the Bank, preference for re-allocating the duties ought to have been given to Shri Kundu by virtue of the provision contained in Clause 5.13 of the Settlement dated 10th October, 1966."

The transfer was condemned by the workmen as having the effect of lowering the status of the concerned workman and forfeiting of the special allowance, in an improper and unjustified manner, with a view to victimise him.

8. Paragraph 5.13 of the bipartite settlement, mentioned in paragraph 5 of the written statement of workmen, deals with re-allocation of duties and provides for the following things:

- "(a) Standardisation of nomenclature should not by itself lead to withdrawal of special allowance from persons already drawing them excepting where specifically provided in the settlement.
- (b) Subject to what is stated in (a) above, liberty to banks to re-allocate duties.
- (c) Where for the first time a special allowance is introduced in an office, in re-allocating the duties preference will be given from amongst those who were already performing the appropriate duties.

By way of explanation it is stated:

"In cases where a workman is not in receipt of a special allowance on the date of settlement has been performing duties/responsibilities which

will now attract the special allowance in terms of this settlement banks will be free to withdraw such duties/responsibilities** alternatively such workmen may be required to perform, if necessary, by re-allocation the duties-responsibilities which attract the special allowance and in that case the appropriate special allowance will be payable to him."

9. On behalf of the management, Sudam Kumar Das, an officer of the Bank gave evidence. He admitted that the concerned workman was at first appointed as a mere peon without any additional duties. Thereafter, at the College Street Branch he was entrusted with the additional duties to be performed by Cash-peon-cum-daftry. Although appointed as a daftry, the workman was not at first paid the special allowance for daftry and this is expressly admitted by the bank's witness in the following language:

"There was delay in arranging for special allowance to Kundu for a considerable time. Thereafter the cause of Kundu was espoused by a trade union of the name of Calcutta Staff Association, which demanded payment of special allowance to Kundu. At last the special allowance was paid to Kundu in lump sum covering the period already worked by him."

About the reason for transferring the concerned workman from College Street Branch to India Exchange Branch, this witness stated that the trade union known as the Staff Association was pursuing a two-fold demand at the same time, namely while insisting upon payment of special allowance to Kundu, the union was also insisting upon the demand that special allowance should be paid on the basis of city-wise seniority so far as daftries were concerned. The Bank conceded to the demand of the union. The witness further explained that this concession was made not to please the Staff Association but to arrive at a more scientific basis for payment of special allowance. As a result of the basis of city-wise seniority for payment of special allowance to daftries, Kundu was transferred from College Street Branch and one Jhapsi Ram, who was senior to him, was fitted in his place. In answer to a question put in cross-examination this witness answered:

"Ques: What was the interest of service which required the management to transfer the concerned workman from College Street to Indian Exchange branch?

Ans: This was done in order to post Jhapsi Ram who was senior to Kundu on city-wise seniority basis."

On behalf of the workmen, the concerned workman himself deposed. He did not dispute that Jhapsi Ram was senior to him. He specifically admitted that there was no enmity between himself and the management. He further admitted that there was nobody junior to him who was drawing daftry allowance, save and except one person at Sodepur branch, who was drawing daftry allowance temporarily. The concerned workman, however, did not want to be transferred to Sodepur branch, in order to be entitled to daftry allowance there. About the *mala fides* of the management this workman only said as follows:

"I suspect that I was transferred because I became a member of the Staff Union. Apart from this I cannot suggest any other *mala fides* on the part of the management."

About the suggestion of the management that the workman got benefits of special allowance at the intervention of the Staff Association and only after he had realised that the demand of the Staff Association for payment of daftry allowance to senior men was going to hurt him, he joined the Staff Union, a rival trade union, which had begun to agitate for retention of special allowance for the concerned workman, although the management had conceded to the more scientific demand for payment of daftry allowance to senior men only, this witness stated as follows:

"I approached the Staff Union for the first time in the year 1969, may be in month of May. Prior to that I had placed my grievance to the Staff Union in May 1969. Prior to that I was not a member of any other trade union. I do not know what talk the Staff Association had with the management apart from the matters contained in my two letters to them. I cannot say whether the Staff Association had arranged for payment of special allowance to myself."

This is the sum total of the oral evidence that I need bear in mind:

10. Now, law as regards transfer has been several times restated by the Supreme Court. In *Canara Banking Corporation Limited vs. Vittal*, (1963) II L.L.J. 354, the Supreme Court observed (Das Gupta, J speaking);

"The management of the bank is in the best position to judge how to distribute its man power and whether a particular transfer can be avoided

or not. It is not possible for industrial tribunals to have before them all the materials which are relevant for this purpose and even if these could be made available, the tribunals are by no means suited for making decisions in matters of this nature. That is why it would ordinarily be proper for industrial adjudication to accept as correct any submission by the management of the bank that an impugned transfer has been made only because it was found unavoidable. The one exception to this statement is where there is reason to believe that the management of the bank resorted to the transfer *mala fide*, by way of victimisation, unfair labour practice or some other ulterior motive, not connected with the business interests of the bank.

Also, in the case of *Sindicate Bank Limited vs its workmen*, (1966) 1 L.L.J., 440, the Supreme Court observed (Ramaswami, J speaking);

"There is no doubt that the banks are entitled to decide on a consideration of the necessities of banking business whether the transfer of an employee should be made to a particular branch. There is also no doubt that the management of the bank is in the best position to judge how to distribute the employees between the different branches. We should be very careful before they interfere with the orders made by the banks in discharge of their managerial function. It is true that if an order of transfer is made *mala fide* or for some ulterior purpose, like punishing an employee for his trade union activities, the industrial tribunals should interfere and set aside such an order of transfer, because the *mala fide* exercise of power is not considered to be the legal exercise of the power given by law. But the finding of *mala fide* should be reached by industrial tribunals only if there is sufficient and proper evidence in support of the finding. Such a finding should not be reached capriciously or on flimsy grounds as the industrial tribunal has done in the present case. This view is borne out by the decision of this Court in *Bareilly Electricity Supply Company, Ltd. v Sirajuddin and others* (1960-1 L.L.J. 566)."

It may also be noted that in the Sastri Award it was provided that workmen must not be transferred beyond his language area.

11. In this particular case, it appears, from the oral evidence hereinbefore set out, that the Staff Association was agitating for a demand that dafti allowance should only be paid on the basis of city-wise seniority. It is admitted that Bank had conceded to the demand. In doing so, the management acted wisely, because to deprive senior man of special allowance and to allow such allowance to junior men may lead to "pick and choose" policy or nepotism. By conceding to this demand, the management conceded only to a just demand. It further appears from Exts. 6 and 11 that there might have been labour dispute if the concerned workman had been retained at the College Street Branch with a special allowance. The management therefore, followed wise administrative wisdom in transferring the concerned workman to another branch and filling up the void by importing a senior man to College Street branch. In that view, there is nothing in the charge that the transfer of the concerned workman had been *mala fide* effected or effected without justification.

12 The next question for my consideration is although the transfer may have been justified, whether the deprivation of special allowance was also justified. Now the definition of wages in Section 2(r) of the Industrial Disputes Act includes "allowance (including dearness allowance) as the workman is for the time being entitled to". It was contended that the special allowance was part of the wages and the transfer was affecting the workmen prejudicially inasmuch as it deprived the concerned workman of the part of his wages. This argument necessitates some examination of the nature of the special allowance payable to dafties. The opening words of paragraph 53 of the bipartite settlement are couched in the following language:

"In supersession of paragraph 5.326 of the Desai award, the special allowance payable to members of the subordinate staff for duties/responsibilities as listed in Part II of Appendix B hereto shall be as follows...."

The special allowance is thus basically a duty allowance. At the Indian Exchange branch there was another person who was performing the duties of a dafti. The concerned workman was not performing these duties. If the allowance was basically a duty allowance and therefore part of his wages, the concerned workman could not claim the allowance without such duties. It was not his case that he had a right to perform the duties. The case was that he had right to the allowance, duties or no duties. This argument I cannot uphold.

13. In the view that I take, I hold that the action of the management of Bank of Baroda in transferring Sri C. R. Kundu from the post of Cash-peon-cum-daftry at College Street branch to the post of peon at the India Exchange branch with effect from 25th November, 1969 was justified. This transfer led to the withdrawal of duties of daftry from him, because there was somebody else who was performing these duties, and consequently withdrawal of special daftry allowance from him. That act also was justified. The workman is, therefore, not entitled to any relief.

This is my award.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated, November 28, 1970.

[No.23/29/70/LRIII]

New Delhi, the 21st December 1970

S.O. 79.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947) the Central Government hereby publishes the following Award of the Central Government Labour Court, Bombay in respect of a complaint under section 33A of the said Act filed by Shri Aubrey DeSylva, Flight Purser, Air India, Bombay, which was received by the Central Government on 16th December, 1970.

BEFORE THE CENTRAL GOVERNMENT LABOUR COURT, BOMBAY

APPLICATION No. LCB-38 of 1965

PARTIES:

Shri Aubrey DeSylva, Complainant.

Versus

Air India, Opp. Party.

PRESENT:—

Shri A. T. Zambre, Presiding Officer.

APPEARANCES.

For the complainant.—Shri B. H. Buch, Advocate, with Shri N. C. Mukherjee, Chairman, Air Corporation Employees' Union, Bombay.

For the opposite party.—Shri S. D. Vimalal, Counsel, with Shri S. K. Wadia, Solicitor, Shri A. S. Banavalikar, Personnel Manager and Shri P. M. Thakur, Assistant Personnel Manager.

STATE Maharashtra.

INDUSTRY Air Service

Bombay, the 20th November 1970

AWARD

This is a complaint by an employee of the Air India Corporation dated 18th August, 1965 under section 33A of the Industrial Disputes Act which was originally filed before the National Industrial Tribunal presided over by Shri G. D. Khosla before whom the industrial dispute Ref. No. N.I.T. No. 1 of 1964 was pending and which was subsequently transferred to this Labour Court under section 33B of the Act and was numbered as LCB-No. 38 of 1965.

2. The complainant Shri A. DeSylva was in the employ of the Air India Corporation (hereinafter referred to as the Corporation) since 1956 and was working as a member of the cabin crew. He was first appointed as an Assistant Flight Purser on 4th February, 1956 and after his confirmation was permanently posted in London for about three years. Thereafter he was reposted to Bombay and was promoted to the post of flight purser and was confirmed on 1st April, 1961 in the grade of Rs. 350—25—550—50—650 and was working as such in the same grade till his services were terminated by the Corporation by their letter dated 12/14th April, 1965. The Corporation had not given in the letter the reasons for his termination and hence by his letter dated 21st June, 1965 the complainant requested the management to furnish him with the reasons but the Corporation did not inform him the reasons in their reply letter dated 22nd July, 1965 but had stated that he was aware of the reasons. They had also stated that they did not give the reasons because the reasons if disclosed would have been detrimental to his interests. Thereupon the workman again wrote to the Corporation by his letter dated 11th August, 1965 and filed this complaint.

3. The complainant has alleged that throughout his employment with the respondent he had performed his duties diligently, faithfully and honestly and he had a clean record. His work was satisfactory and he had earned all annual increments regularly. The last increment was given to him on 1st April, 1965 that is only a few days before the termination of his services by their letter dated 12/14th April, 1965. The management terminated his services with immediate effect and he was asked to collect his salary in lieu of notice and other dues and this action smacked of vindictiveness and foul play on the part of the management. It is alleged that the order which purports to offer salary in lieu of one month's notice is a colourable exercise of the powers and is a cloak and a cover for inflicting punishment and is *mala fide* and the same has been made with a view to circumventing the observance of the principles of natural justice.

4. The complainant has further alleged that if he was a workman concerned in the industrial dispute proceedings between the Corporation and its workmen which was pending before the National Industrial Tribunal in Ref. No. 1 of 1964 and it was obligatory on the part of the Corporation to make an application for approval before the Tribunal under section 33 (2)(b) of the Industrial Disputes Act. No such approval has been obtained nor has an application been made and the Corporation has contravened the provisions of section 33. Therefore the Corporation should be directed to reinstate the complainant with the full back wages and allowances and an award should be made accordingly.

5. The Corporation has by its written statement denied the allegations and has opposed the complaint application both on technical and other pleas. It has admitted that the services of the complainant were terminated by letter dated 12th/14th April, 1965 with effect from 15th April, 1965 but it has contended that under regulation 48 of the Air India Employees Service Regulations the Corporation has the power to terminate the services of a permanent employee by giving him 30 days notice in writing or pay in lieu of notice without assigning any reason and the services of the complainant were terminated under that provision as the Corporation had lost confidence in the complainant for good and sufficient reasons.

6. The Corporation has denied the allegation that the termination of the services of the complainant was a cloak and a cover for inflicting punishment *mala fide* and that the termination was made with a view to circumventing the observance of the principles of natural justice. It is contended that the termination of the services of the complainant being under regulation 48 was termination *simpliciter*. It was not by way of any punishment for misconduct and the principles of natural justice applicable to cases of discharge or dismissal for misconduct have no application in the present case. Similarly the provisions of section 33(2)(b) which requires the filing of an application for approval in cases of discharge or dismissal for misconduct are not applicable to the termination of service of the applicant and there is no question of breach of the provisions of section 33 and there can be no invocation of section 33A and the complaint should be dismissed.

7. After the transfer of the complaint to this Court the complainant filed a rejoinder by which he has *inter alia* challenged the constitutionality of Regulation 48. The corporation had filed a reply containing that the regulations were binding as contracts and that the Court has no jurisdiction to entertain such a plea about the vires of the regulation. Subsequently the complainant made an application for directing the management to give him particulars about the reasons for his termination. The Corporation opposed the same contending that unless the complainant discharged his initial burden for invoking the provisions of section 33A this Court has no jurisdiction to enter into the dispute and the justifiability or otherwise of the order of termination of his services. The complainant's case was that an industrial dispute was pending before the National Industrial Tribunal. The Corporation did not make any application for approval and it was clear that the Corporation had committed a breach of section 33 and after hearing and parties at length I had by my Order dated 13th March 1968 framed issues and had given the necessary directions about particulars and onus of proof. The Corporation was not satisfied about the order regarding particulars and had preferred a writ petition No. CA 1048 of 1968 in the High Court of Bombay. This application was decided by their Lordships of the Bombay High Court by their judgment dated 3rd October, 1968. Though in substance the application was dismissed their Lordships had modified my order regarding the items of particulars and the Corporation was directed to give particulars only regarding items (a) and (b).

8. After the receipt of the judgment notices were issued and the Corporation was directed by order dated 29th July, 1969 to give the particulars within a month which period was extended from time to time as the Corporation wanted to go in appeal to the Supreme Court. The Corporation's application for leave

to appeal was rejected by the Bombay High Court. Thereafter they made a petition to the Supreme Court for special leave to appeal which was also rejected. Thereafter the Corporation pursuant to the order regarding particulars submitted an affidavit of the Assistant Personnel Officer Shri P. V. Bhagwat giving the particulars. But the Corporation did not produce the documents nor copies referred to in the said affidavit and wrongly stated that they have produced them. After some correspondence the Corporation gave inspection of all the confidential documents to the complainant and his representative and also produced copies in Court invoking the provisions of section 21 of the Industrial Disputes Act.

9. In support of his complaint the complainant has examined himself and one Shri Aubrey Pinto. The Corporation led the evidence of the Commercial Manager Shri Narendranath Diwan who was formerly holding the post of Deputy Inspector of Police Rajasthan and had also worked as Deputy Director of Revenue Intelligence, Ministry of Finance, (Government of India). The Corporation has also examined witness Sukhtankar and both parties have produced number of documents. These issues arising for my determination in the complaint are as follows:—

- (1) Whether the complaint under section 33A is maintainable.
- (2) Whether the order of termination is a cloak for punishment inflicted *malà fide*?
- (3) Whether there is a contravention of section 33?
- (4) Whether the regulation 48 is binding on the parties as a contract?
- (5) Whether the Court has jurisdiction to try the contention that Service Regulation No. 48 is *ultra vires* of the Constitution? If yes, whether regulation 48 is *ultra vires* the constitution as alleged?
- (6) Whether the action of the employer is justified? If not to what relief the applicant is entitled?

10. The learned Counsel Shri Vimadalal has at the outset submitted that the present proceedings have been started by a complaint under section 33A of the Industrial Disputes Act. It is not a reference under section 10 of the Act and unless the complainant discharges the initial burden providing contravention of section 33 this Court will have no jurisdiction to adjudicate upon the complaint. Prior to my order dated 13th March, 1968 regarding onus of proof, particulars etc., it was contended by the applicant that he had discharged the initial burden regarding contravention of section 33(2)(b) by the admitted facts about the pendency of the proceedings and the termination of his service without approval of the Tribunal. In my order I had held that the application contained merely the allegations and it was for the applicant to prove the contravention of section 33(2)(b) by the employers and as the applicant was seeking the assistance of this Court to prove the same I had ordered the Corporation to furnish him the particulars and the reasons for the termination of his service. In my order I had quoted the observations of their Lordships of the Supreme Court in 1958 1 LLJ page 793 (Equitable Coal Co. Ltd V. Algu Singh and others) in respect of breach of the provisions of section 33(2)(b) by the employers as a condition precedent for the exercise of the jurisdiction by the Court and in my opinion it is clear that it is for the applicant to establish his contention that the employer has committed a breach of section 33(2)(b). Contravention of section 33(2)(b) is the very foundation for the exercise of the power to adjudicate and only on such proof this Court will have jurisdiction to adjudicate upon the complaint meaning that the Court can thereafter treat the proceedings as a reference and investigate and find whether the termination of service was justified or not. The first three issues are interlinked and findings on them in favour of the complainant will invest this Court with the jurisdiction to investigate and adjudicate whether the termination was justified or not and I shall first take up these three issues for my discussion.

11. Learned Counsel for the applicant has argued that the right of the employers to terminate the services of the employee arbitrarily without reasons whenever they pleased a right which has been referred to in various cases as a right to 'hire and fire'—has been restricted and modified by the various decisions of the Supreme Court. Learned Counsel has also invited my attention to the ruling in which it has been stated that

"It is too late in the day for the employer to raise the claim to hire and fire an employee as the employer pleases and completely negative the security of service."

and the whole trend of the argument was as if the employer has no more any power to terminate the services of an employee by notice under the contract of service without complying with the provisions of section 33(2)(b) of the Industrial Disputes Act and even in such cases there would be a contravention of section

33(2)(b) if no approval of the Tribunal is sought. It is argued that the Corporation has terminated the services of the applicant offering him one month's salary without following the proper procedure and has committed a breach of section 33(2)(b).

12. I do not think that the termination of the service of an employee by a notice under the terms of contract without holding any enquiry were will automatically bring the action of the management within the purview of section 33 and can be presumed to be contravention of section 33(2)(b) of the act. An employer may be impelled to terminate the service of an employee and part company by giving notice for various reasons and every such case will not be covered by Section 33(2)(b). The relevant portion of section 33(2)(b) is as follows:—

"During the pendency of any such proceeding in respect of an industrial dispute the employer may in accordance with the standing orders applicable to the workman concerned in such dispute or where there are no such standing orders according to the terms of contract whether express or implied between him and the workman.

(a) * * * *

(b) for any misconduct not connected with the dispute discharge or punish whether by dismissal or otherwise that workman provided that no such workman shall be discharged or dismissed unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer".

A close reading of this section will show that the approval of the authority is necessary only when the discharge dismissal or punishment is imposed as a result of some misconduct not connected with the dispute and in case the termination of service is not by way of punishment for a misconduct the action of the management will be outside the scope of section 33 and there will be no necessity to seek the approval of the authority.

13. Shri Buch the learned Counsel for the applicant has relied upon the rulings reported in 1965 1 LLJ 422 (Murugan Mills Ltd., and Industrial Tribunal, Madras, and another) and 1965 1 LLJ 612 (Hindusthan Motors Ltd., and Mahendra Singh Dhantwal others) and has argued that in these rulings also there were complaints under section 33A and the employers had taken a similar contention that the provisions of section 33(2)(b) were not attracted to a case of discharge simpliciter. The Industrial Tribunal had allowed the complaint and directed reinstatement and the writ petition against that award was dismissed. The learned Counsel has invited my attention to the oft quoted observations of their Lordships of the Supreme Court in respect of the powers of Industrial Tribunals to interfere with the orders of the employers terminating the services of the employees by notice under the contract of service or standing orders. I have carefully gone through these rulings and I do not think that these rulings support the applicant's version that a complaint under section 33A would be maintainable and the Court will be entitled to treat the complaint as if it were a reference unless the termination of service is proved as a punishment for some misconduct.

14. The learned Counsel has laid stress on the observations in the rulings reported in 1965 1 LLJ page 422 (Murugan Mills Ltd., and Industrial Tribunal, Madras and others) where in it has been observed:—

"The right of the employer to terminate the services of his workman under the standing orders by giving a notice or by paying him wages in lieu of such notice which amounts to claim to 'hire and fire' an employee as the employer pleases and thus completely negative security of service which has been secured through industrial adjudication was considered by the Labour Appellate Tribunal in 1951 II LLJ 314 and the view taken therein has been approved by the decision of the Supreme Court in 1960 II LLJ 222 and 1962 1 LLJ 374. Even in such a case the requirement of *bona fides* is essential. If the termination of service is a colourable exercise of the power or as a result of victimisation of unfair labour practice the industrial tribunal would have the jurisdiction to intervene and set aside such termination."

These observations clearly show the powers of the Tribunal while dealing with on industrial dispute about the termination of an employee by notice. However, they clearly presuppose that the dispute had been referred to the Tribunal in a reference under section 10 of the Industrial Disputes Act. It is significant to remember that all the cases referred to in the above observations are in respect of awards passed in reference under section 10 of Industrial Disputes

Act and a Labour Court in which a complaint has been filed under section 33A of the Industrial Disputes Act will have no jurisdiction to treat the complaint as a reference unless the condition precedent about the contravention of section 33(2) (b) as stated in the ruling in 1958 1 LLJ 793 Equitable Coal Co. Ltd. V. and Algu Singh is satisfied.

15. Even though in the above ruling the employee had filed a complaint under section 33A of the Industrial Disputes Act it is clear from the judgment that their Lordships came to the conclusion that though the termination of service was under the standing orders by a notice in fact it was by way of punishment for misconduct. Their Lordships have observed:—

"The form therefore used in the present case for terminating respondent's services under clause 17(a) is not conclusive and Tribunal was justified in enquiring into the reasons which led to such termination; even the standing orders provide that an employee can ask for reasons in such a case. Those reasons were given before the Tribunal by the appellant viz., the respondent services were terminated because he deliberately adopted go-slow and was negligent in the discharge of his duty. His services were therefore terminated for dereliction of duty and go-slow in his work. This clearly amounted to punishment for misconduct and therefore to pass an order under clause 17(a) of the standing orders in such circumstances was clearly a colourable exercise of the power to terminate the services of a workman under the provision of the standing orders."

I have already observed that it was a case in which the employee was discharged under the standing orders and the observations clearly show that according to their Lordships even in such a case the requirements of *bona fides* were essential presumably for the justification of the termination of service.

16. The judgment in the other ruling 1965 1 LLJ 612 (Hindustan Motors Ltd. and Mahendra Singh Dhantwal and Others) also will show that his Lordship considered the circumstances showing the mala fides of the employers and had found that the reasons for the termination of service must have been the old reason for dismissal and only the procedure adopted was a new procedure to achieve the old objective and thus in effect the termination of service was for a previous misconduct. On the contrary in the head note in this ruling it has been observed:—

"Dismissing the writ petition preferred by the employer against such award, held;

It might be correct that discharge simpliciter in terms of service contract and unconnected with any intention to penalize would not fall within the mischief of section 33(2)(b) of the Industrial Disputes Act, 1947, and that no approval under the provision there to would be necessary in the case of such termination."

and thus it is clear that for a contravention of section 33(2)(b) of the Industrial Disputes Act the termination of service must be by way of punishment for misconduct.

17. Shri Vimadalal the learned Counsel on behalf of the Corporation has relied upon the ruling reported in 1964 1 LLJ page 624 (National Machinery Manufacture Co.) and Vyas (P.D.) 1969 II LLJ 799 (Tata Engineering Loco Co.) and has argued that when a complaint has been filed before a Court under section 33A the Court may investigate the matter and go behind the order. But unless it is proved that the termination of service is by way of punishment for misconduct the complaint cannot be treated as a reference and the Court will have no jurisdiction to adjudicate the dispute. The learned Counsel has invited my attention to the following observations of their Lordships of the Supreme Court in 1969 II LLJ 799 (Tata Engineering and Locomotive Co. Ltd., and Prasad S.C. and another):—

"In the case of workman Ram Manohar Dubey accepting the contention on behalf of the management that the tribunal was not in the instant case entitled to come to the conclusion that the company's order was either mala fide or was passed to victimize the workmen or was in substance an order of dismissal held that under standing order 47 of the company it had power to terminate the services of Dubey on giving him a month's notice and wages in lieu of such notice. It is correct that such an order of discharge simpliciter is not conclusive

and determine whether the termination is in fact discharge simpliciter or dismissal though the order is one of simple termination of service. If it is satisfied that the order is punitive or mala fide or is made to victimize the workman or amounts to unfair labour practice, it is competent to set it aside. The test is whether the act of the employer is bona fide or not."

From these observations also it is clear that it is only when the discharge simpliciter gives rise to an industrial dispute the Tribunal adjudicating the dispute has got the powers stated herein. In view of the decisions of their Lordships in the rulings in Equitable Coal Co. Ltd., etc., it cannot be disputed that unless the complainant proves the contravention of section 33(2)(b) by the employer the complaint cannot be adjudicated by the Court. From the provisions of section 33A it is clear that the discharged employee who is aggrieved by such contravention has to make a complaint in writing and it is only on receipt of such a complaint the Labour Court shall act upon the complaint as if it were a dispute referred to it under section 10.

18. This point has been specifically made clear by their Lordships of the Bombay High Court in the ruling reported in 1964 1 LLJ 624 in which their Lordships considered the wording and construction of the section in details grammatically and have observed:—

"Grammatically it would seem clear that the clause "for any misconduct" qualified the verb discharge, dismiss or punish used in the said sub-clause. The words "such workman" in the proviso refers to such workman as is referred to in clause (b) i.e., one who has been discharged or is being punished for misconduct.

In the judgment it has been further observed:—

"In our view, with respect, section 33(2)(b) can have no application to a case of discharge unless it is for misconduct."

Considering these observations it shall have to be held that in the present case the complainant shall have first to prove that in terminating his services the Corporation has in fact discharged him for misconduct under the garb of discharge simpliciter and has contravened the provisions of section 33(2)(b) and hence the complaint is maintainable.

19. It is not in dispute that the applicant was in service with the Corporation since 1956 and his services were terminated by the Corporation by a letter dated 12/14-4-1965 with effect from 15-4-1965. They had not chargesheeted him nor held an enquiry. The letter terminating his services reads as follows:—

"Dear Sir,

It has been decided to terminate your services which we hereby do with immediate effect. You will be paid one month's salary in lieu of notice.

Please arrange to return, as early as possible, all items of uniforms etc., that were issued to you by the Corporation, to enable us to settle your account.

Your account will be settled after checking your commitments."

The Corporation has contended that the service of the complainant was terminated under regulation 48 which provides in effect that the services of a permanent employee may be terminated without assigning any reasons by giving him 30 days notice in writing or pay in lieu of notice, and if we look to the text of the letter the Corporation has simply terminated his service and prima facie it is termination simpliciter.

20. However it has been held in various rulings such as 1960 1 LLJ 587 (1965) (1 LLJ) 422 that the words used in the order of discharge and the form which it may have taken are not conclusive in the matter and the Industrial Tribunal would be entitled to go behind the words and the form to find the reasons which led to the order and then consider and decide whether the discharge is a discharge simpliciter or not. If it appears that the purported exercise of the power terminating the services of the employee was in fact the result of a misconduct alleged against the employee there despite its appearance to the contrary the order of discharge will be in effect an order of dismissal by way of punishment and in view of these observations I shall discuss the evidence to find whether the applicant was discharged from service as a punishment for some misconduct under a garb of discharge simpliciter.

21. After the dismissal of the writ petition filed by the Corporation in the Bombay High Court and the receipt of the papers I had directed the Corporation to furnish the applicant particulars about the reasons for the termination of service and in compliance the Corporation has filed an affidavit of the Assistant Personnel Officer and produced the correspondence requesting the Tribunal to treat the correspondence as confidential. From the particulars and correspondence it appears that the service of the complainant were terminated by the Corporation under the following circumstances:—

In or about February/March 1965 the Corporation received a communication from the Director of Revenue Intelligence, Government of India viz., the letter dated 27th February 1965 addressed by Shri N. N. Dewan, Deputy Director, himself to Mr. G. B. Patwa, Chief Security Officer enclosing a note on the smuggling activities of the complainant and stating that such persons were a security risk from all points of view and that he hoped it would be possible for the Corporation to weed out such undesirable persons who are bound to bring a slur on the good name of the organisation. This correspondence naturally led to the corporation losing confidence in the complainant and they had no option but to terminate the services of the complainant.

The Corporation had examined their Commercial Manager Shri Dewan and their Administrative Manager Shri Sukhtankar and have also proved the correspondence. Though at first it was requested to treat the documents as confidential at the time of arguments Shri Vimadlal learned Counsel on behalf of the Corporation submitted that he had received the necessary authority to state that the documents may be referred to in the judgment.

22. The most important letter in the correspondence is exhibit E1 and the information note about the smuggling activities attached to it. In this letter which is dated 27th February 1965 Shri Dewan has stated:—

"I enclose for your information a note on the smuggling activities of Aubrey D'Silva, a purser of Air India.

Needless to say that such persons are a security risk from all points of view. I hope it will be possible for Air India to weed out such undesirable persons who are bound to bring a slur on the good name of the organization."

The note attached to this letter mentions the smuggling activities and some instances in which the applicant was involved. In paras 2 to 5 of this note it has been stated:—

2. There was reliable information with us that this Aubrey D'Silva was smuggling into India large quantities of diamonds and gold from Beirut whenever he used to go over there as a flying crew.
3. Information was also on hand that he was smuggling out to Beirut the sale proceeds of the smuggling goods when he used to go there on duty as a flying crew.
4. On a specific information this Aubrey D'Silva was bringing 5 Kilos of gold on 23rd December 1962 from Beirut a watch was kept at Santa Cruz Airport. The flight by which he was coming as an Assistant Flight Purser was delayed and arrived on 24th December 1962 and there was another batch of crew on board this flight. Before he could be searched he managed to throw the contraband viz., 5 kilogrammes of gold valued over Rs. 50,000 below a sofa in the Customs Examination Hall from where it was recovered latter.
- 5 There is also reliable information on hand that even after this incident of 24th December 1962 Aubrey D'Silva was in close contact with the Beirut Syndicate of smugglers and had in fact introduced to them another Assistant Flight Purser."

Shri Dewan who has written the letter and the note had been examined by the Corporation. He had proved these documents and his evidence show that the information is from the most confidential documents of the revenue intelligence. About the files and the note Shri Dewan has stated that the note contained as much of information as could be passed on to Air India confidentially and that the original reports contained much more than had been passed on to Air India confidentially.

23. Shri Diwan has stated that as Deputy Director of Revenue Intelligence he visited Bombay quite often and sometimes Shri Patwa the Chief Security Officer

of Air India had also met him in Delhi and during one of their meetings Shri Patwa had mentioned to him about the case of the recovery of Indian hemp from Air-India aircraft and in that talk about the hemp case the name of Shri DeSylva had come up and at that time he told Shri Patwa that Shri DeSylva had come to the adverse notice of the Revenue Intelligence on a number of occasions and Shri Patwa had requested him to send him a note about Shri DeSylva and as a result Shri Dewan had sent the note. There is no question of Shri Dewan stating anything falsely against Shri DeSylva and it shall have to be held that according to the Revenue Intelligence record the complainant Shri DeSylva engaged himself in smuggling activities while acting as a purser as member of the crew and when Shri Patwa heard from Shri Dewan about such activities and character of the member of the crew it was quite proper on the part of the Patwa as a Security Officer to request Shri Dewan to send the information.

24. From the correspondence produced it is further clear that after the receipt of the confidential and secret information from the Revenue Intelligence Shri Patwa the Chief Security Officer of the Corporation wrote a letter on 2nd March 1965 to the General Manager citing additional instances in which the applicant Shri DeSylva was noticed adversely in smuggling activities. The Security Officer also enclosed the letter and the note from the Deputy Director, Revenue Intelligence Ministry of Finance, the Security Officer also sent copies to the Commercial Manager, Administration. After receipt of the letter the General Manager invited comments from the concerned higher officers such as Commercial Manager, Administration, the Personnel Commercial Director etc., and then consulted them.

25. The Corporation has produced the reply from the Commercial Manager at exhibit E-3 which shows why the Corporation was induced to part company with the complainant. The letter reads:—

"I refer to Patwa's letter No. SO/11-1/9802 of March 2 to you on the above subject.

Mr. D'Silva is a bad character, and it is essential in the interests of the Corporation that we should part company with him. I am very anxious that we should dispense with his services with as little delay as possible.

If we have to secure the permission of the Chairman of the National Industrial Tribunal we should be grateful if Head Office could kindly take necessary action without delay."

The General Manager accepted the opinion expressed and sought advice from the head office, how to terminate the services of the complainant. His endorsement reads:—

"H.O. (Head Office) please advise how to do this."

Shri Sukhtankar, Manager, Administration who has been examined by the Corporation thereupon consulted Shri S. S. Khambatta who was the senior partner of Messrs. Mulla and Mulla Solicitors of the Corporation. He has stated that he showed the correspondence to Shri Khambatta and asked him his advice as to the procedure to be followed regarding termination of service of Shri De Sylva and after discussion wrote a note to the General Manager.

26. This note exhibit E-4 shows that the solicitor advised the Corporation that it would be in order to terminate the services of Shri De Sylva under Regulation 48 of the Service Regulations without assigning any reason and after giving him 30 days notice in writing or pay in lieu thereof. It further shows that Messrs. Mulla and Mulla stated that this would not attract the provision of section 33(2)(b) of the Industrial Disputes Act and that no reference need be made to the National Industrial Tribunal if the services are terminated under Regulation 48, and thus after consulting the solicitors the General Manager took further steps and the services of the applicant were terminated by the letter dated 12th/14th April, 1965 and from the evidence it will be clear that the services of the complainant are terminated not for any misconduct by way of punishment but it was purely for safeguarding the interest of the Corporation. The secret information received from the Revenue Intelligence showed that Shri De Sylva was involved in smuggling activities. The additional instances of his being adversely noted by the Corporation's security staff also supported that information and under the circumstances it is quite but natural for the Corporation to lose confidence in such an employee.

27. Shri Buch the learned Counsel for the applicant has further argued that service regulation No. 42 of the Air-India Employees Service Regulations which

defines misconduct by the employees includes at item No. 24 smuggling as a misconduct. Admittedly the complainant has been discharged by the Corporation because of the alleged smuggling activities and the termination of his services on that account is by way of punishment for misconduct. The workman has been deprived of his livelihood by the order of termination he should have been charge-sheeted and should have been given an opportunity to meet the case and should have been dismissed if he was found guilty after the enquiry. The learned Counsel has relied upon the ruling reported in Ar 1966 SR 282 (D.L. Board Calcutta v. Jallar Imam) in which case the respondents dock workers were removed from service the Board. In this ruling their Lordships have held:—

“Held that the services of the respondents could not have been terminated without holding a proper enquiry. The circumstance that they happened to be detained was no justification for not complying with the relevant statutory provision and not to following the principles of natural justice. If the rule of law has to prevail any attempt to short-circuit the procedure based on considerations of natural justice should be discouraged. Considerations of expediency which are not permitted by law can have no relevance whatever when dealing with the question of the liberty and livelihood of a citizen. The appellant Board in terminating the employment of its employees was exercising authority and power of a quasi-judicial character. Where a statutory body or authority is empowered to terminate the employment of its employees it cannot exercise its powers in disregard to the principles of natural justice. The tests laid down by Lord Reid in 1964 A.C. 40 are relevant in ascertaining the nature of such proceedings with a view to decide whether the principles of natural justice ought to be followed or not and the authority or body conducting the enquiry shall have to consider those tests. When the appellant desired to take disciplinary action against the respondent workers on the ground that they being guilty of misconduct it was absolutely essential for the appellant Board to have held a proper enquiry whereat reasonable opportunity should have been given to the respondents to show cause before reaching its conclusion. At the enquiry the appellant was bound to lead evidence against the respondents and give them reasonable chance to test the said evidence; allow them liberty to lead evidence in defence and then come to a decision of its own. Not only the requirements of natural justice prescribed such an enquiry but an obligation to hold such an enquiry was also imposed on the appellant by clause (36)(3) of the scheme of 1951 and Clause 45(6) of the Scheme of 1956.”

These observations will show that the employers had not followed the principles of natural justice in this domestic enquiry proceedings. The workman in that case were not removed from service by a notice under the standing orders and this case will not be applicable to the facts of the present case in which the complainant was discharged by a notice under Regulation No. 43 and there is no question of principles of natural justice.

28. It is clear from the record that the Corporation thought of parting company with the complainant because of the information about his smuggling activities which showed his character. He was not charged for any specific act of smuggling and his services were terminated because he had been adversely noticed several times by the Revenue Intelligence in smuggling activities. The Corporation believed the information that he was a bad character and the complainant's application that he has been punished for misconduct under the garb of termination simpliciter cannot be accepted, and as it has not been proved that the services of the complainant are terminated by way of punishment there is no contravention of section 33(2)(b) of the Industrial Disputes Act. The foundation for the adjudication of the Industrial Dispute by a Labour Court under section 33A of the Act has not been laid down. The complainant has not discharged the initial burden and it shall have to be held that the present complaint is not maintainable. The order of termination of his services is not a cloak for punishment and as there is no contravention of section 33(2)(b) of the Industrial Disputes Act the complaint is not maintainable.

29. The learned Counsel for the complainant has further argued that the Corporation did not hold an enquiry. They also did not verify the information nor did they give any opportunity to the complainant to meet the allegations. He was singled out for punishment and the order of termination simpliciter was mala fide and a cover for inflicting punishment. The Corporation has contended that

the complainant has only made vague allegations about mala fides vindictiveness etc., and there is also no material to prove the same.

30. Shri Vimadala the learned Counsel for the Corporation has invited my attention to the ruling reported in 1965 1 LLJ 433 and 1963 1 LLJ 429. In the ruling reported in 1965 1 LLJ 433 (Associated Cement Cos. Ltd., and Sharma (P. N.) and another) it has been observed;—

“If respondent No. 1 had proved that the impugned order amounts to his punishment that no doubt would have been a legitimate plea on which the competence of the appeal to respondent No. 2 could have been sustained; but beyond making a vague allegation that the impugned order had been passed not bona fide but for ulterior purpose no attempt has been made to suggest much less to prove that the appellant was actuated by any improper motive in terminating his services.

In the ruling reported in 1963 II LLJ (Ananda Bazar Patrika (Private) Ltd., and their employees) it has been observed;—

“Though industrial adjudication can and must protect industrial employees from victimization a finding as to mala fides of victimization should be drawn only where the evidence has been led to justify it such a finding should not be made either in a casual manner or light heartedly”.

31. Considering the pleadings and the above observations it shall have to be held that the complaint has merely made vague allegation about mala fides, victimization etc. He has not also led any evidence in that report. However, in view of my finding that there is no contravention of section 33(2)(b) the question of mala fides and victimization in my opinion is not relevant for the decision of this case. The employer may terminate the services of his employee under the garb of terminate simpliciter for various reasons such as for the Commission of misconduct or as victimization for union activities or even arbitrarily without any reason and the termination may be also wrongful. However, I do not think that in each such case the employee can resort to the short cut under the provisions of section 33A. It is only an employee who has been discharged or dismissed for misconduct in contravention of the provisions of section 33(2)(b) whose complaint will be investigated by the Labour Court and treat the same as a reference of the industrial dispute. Section 33A of the Industrial Disputes Act is not open to the employee whose services have been terminated for other reasons and for such employees the only way is to raise an industrial dispute and get the same referred to a Tribunal under section 10 of the Industrial Disputes Act, and the Tribunal whose powers and scope of jurisdiction is wider enough even to alter the terms of contracts of employment even against the wishes of the employer will have jurisdiction to enquire into the mala fides and set aside the order of termination.

32. But even if it is held that such an application can be considered by the Labour Court under section 33A I do not find any evidence in this case to show the mala fides on the part of the management in terminating the service of the complainant. On the contrary the evidence of the complainant himself shows that the management was giving him very good treatment and was well disposed towards him. In his cross-examination he has stated;—

“Till the termination letter was sent to me the Corporation treated me well and except this question of termination I have no grievance against the Corporation.....

The letter as such does not place any stigma on my character. It is correct to say that the Corporation was very reluctant to give me the reasons of termination. The reasons now given by the Corporation are detrimental to my character.”

These statements of the applicant clearly prove that the management was very kindly disposed towards him and the suggestion that the management had terminated his services mala fide under the garb of termination simpliciter does not stand to reason. The termination of his services is not for misconduct and is not a punishment inflicted and the complainant has not proved that the management has contravened the provisions of section 33(2)(b) and the complaint will not be maintainable.

33. In view of my finding on issues Nos. 1, 2 and 3 in fact it is not necessary to discuss the other issues and the question about justification of the order of termination of service. However, considering the way in which these proceedings

have been contested and their longstanding nature I think it proper to record my findings on the other issues in brief and I shall discuss them.

34. The Air-India Employees, Service Regulations prescribe and define the conditions of service of the employees of the Corporation. Chapter VII relates to conduct and discipline in which regulation 42 defines misconduct and 43 provides for punishments and an employee can be removed from service for any misconduct while section 48 prescribes the method of termination the services of an employee without assigning reasons and it is by giving notice. The complainant has contended that regulation 48 which empowers the Corporation to terminate the services of a permanent employee by notice is ultra vires the Constitution and is void. The Corporation has denied these allegations and have contended that regulation 48 is binding on the parties as contract and has further contended that the Labour Court has no jurisdiction to entertain such a plea and hence issues Nos. 4 and 5 were framed.

35. This Labour Court has been appointed under section 7 of the Industrial Disputes Act for adjudicating industrial disputes and pass awards. An award is an interim or final determination of an industrial dispute and the Court has got powers to consider issues incidental to the adjudication of dispute and in the adjudication the Court shall decide both questions of fact and law and the question about the vires of regulation 48 being a question of law can be decided by the Court.

36. This question about the jurisdiction of the Tribunal to decide the constitutionality of any law had been raised before the National Industrial Tribunal presided over by Justice Shri K. T. Desai in the Bank disputes in Ref. No. 1 of 1960 and the learned Tribunal has observed:—

In the present case the validity of the appointment of the National Tribunal is not disputed. No provisions of the Industrial Disputes Act, 1947, under which this Tribunal is constituted are in any way challenged. What is challenged is the right of this Tribunal constituted under this Industrial Disputes Act, 1947, to decide whether a provision of the Banking Companies Act, 1949, violates any fundamental right guaranteed under the Constitution. Under the Industrial Disputes Act authority has been conferred upon me to determine questions relating to production of documents. The determination of the question whether the provisions of section 34A of the Banking Companies Act, 1949, are valid or not, is incidental to the effective exercise by me of my undisputed jurisdiction to decide whether I should order discovery of particular documents in this case or not. In my view there is no merit in the contention that I have no jurisdiction to decide whether the provisions contained in section 34A are void on the ground that they offend the fundamental rights guaranteed under Article 14 of the Constitution."

The provisions appointing the Labour Court and the National Tribunal are similar and in view of the above observations of the learned Tribunal I think the Labour Court has got jurisdiction to decide the question about the constitutionality of regulation 48.

37. I have already observed that the Air-India Service Regulations prescribe and define the conditions of service of the employees of the Corporation. The Corporation has contended that these regulations are binding on the parties as contracts and there is no question of the regulation being ultra vires of the constitution. It has been further contended that the regulation is valid, fair and non-discriminatory and is not in violation of the articles of the Constitution. The Corporation has produced a copy of the Air-India Employees Service Regulations and from the first range itself it will be seen that these regulations have been framed taking into consideration the awards of the Tribunal and agreements with the unions and associations. In paragraph 2 it has been stated:—

"Further modifications to the Service Regulations have become necessary as a result of the Award of the National Industrial Tribunal as also the agreements entered into with the unions and associations."

From this it will be clear that though they have been styled as regulations framed by the Corporation they form part of the agreements between the Corporation and its employees.

38. At the time of the appointment of its employees the Corporation takes in writing from the employee his acceptance of the terms, conditions and has produced a copy of the appointment order form which has been signed by the applicant himself in this document Paragraph 10 of these form states:—

“Your services will be subject to our service rules and you will, be entitled to travelling allowance, leave etc., as provided for in the said rules.”

Below the letter of appointment there is an acceptance form which states:—

“I accept the terms of employment of your letter.....the original of which is in my possession.”

This form has been signed by the complainant Shri De Sylva and it shall have to be held that the service regulations are binding as contracts between the parties and there is no question of its being *ultra vires* of the constitution.

39. Shri Buch the learned Counsel for the complainant has argued that these regulations have been framed in exercise of the powers conferred by section 45(2) of the Air Corporation Act, 1953. The Corporation also had secured the approval of the Central Government and it is law. Regulation 48 confers upon the administration unrestricted power to terminate the services of the workmen and denied the employees equal protection of law and is *ultra vires* of Article 14 of the Constitution. However, it cannot be disputed that these regulations have been framed not by Government but by the Corporation which is constituted under the Air Corporation Act just like a company is constituted under the Indian Companies Act and the rules or standing orders framed by the Corporation or the company would be part of the agreements between them and their employees and not law. It is significant to remember that even in the schedule to the Standing Orders Act, 1946, provision has been made for termination of the employment of a workman by notice and such rules or regulations in industrial concerns are proper and necessary. There are various considerations before the industrial management and as regulation 48 is a part of the contract the contention that it is *ultra vires* of the Constitution cannot be accepted.

40. I have already observed that as the complainant has not proved that his services have been terminated by way of punishment for misconduct there is no jurisdiction to adjudication the dispute and there is no question of justification of the action by the management. However, even if that question is examined one shall have to come to the conclusion that the management was justified in parting company with the complainant. The management had received information from the Director, Revenue Intelligence, Finance Ministry which was received in the confidential files of secret intelligence and there was no question of disbelieving it. The Corporation has examined Shri Diwan EW-1 who has stated that the information contained in paras 2, 3 and 4 of the note was based on reliable intelligence and was from most reliable sources and they had no reason to doubt its veracity. It was from the secret files of the Revenue Intelligence. Shri Dewan was formerly working as Deputy Inspector General of Police, Anti-Corruption, Rajasthan. Thereafter he was deputed to the Ministry of Finance, Government of India in 1956 where he worked till 1965 and in that Ministry he was Deputy Director of Revenue Intelligence. He was again sent back as Deputy Inspector General of Police, Rajasthan and his services have now been lent to Air-India and he is working in Air-India as Commercial Manager, Customer Service on deputation.

41. The information having come from such a high and independent source the Corporation has no reason to disbelieve it and there is nothing improper to act upon it. It cannot be ignored that the Corporation is carrying on business in the face of international competition and its very existence depends upon the maintenance of the good reputation and the confidential of the international public and of the Government of the territories and countries in which it operates. There is much substance in the contention that it would not have been possible for the Corporation to continue its business profitably and successfully if it had to retain in its service an employee having such a record. The Corporation after getting the information has consulted the officers and the hierarchy. They also took the advice of the solicitors and thereafter acting upon the same terminated his service by the letter without assigning any reason and these facts would prove the *bona fides* on the part of the Corporation and the action of the Corporation in terminating the services of the complainant by notice under Regulation 48 is justified and the complainant is not entitled to any relief. Hence my award accordingly.

Award to be submitted to Government as required under section 33A of the Industrial Disputes Act.

(Sd.) A. T. ZAMBRE,

Presiding Officer,

Central Government Labour Court, Bombay.

[No. 4/102/70/LRIII.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 21st December 1970

S.O. 80.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in the matter of an application under Section 33A of the said Act from Shri Ajit Prasad Maju, Semi-Clerk, Monidih Project of National Coal Development Corporation, District Dhanbad and three others (Semi-clerks) which was received by the Central Government on the 8th December, 1970.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD**

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

COMPLAINT No. 35 of 1970

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947.

(Arising out of Reference No. 244 of 1967 referred to by the Ministry by its order No. 1/22/67-LRII dated 19th July, 1967).

PARTIES:

1. Ajit Prasad Maju, Semi-clerk, NCDC Ltd., Monidih Project, District Dhanbad.
2. S. B. Sinha, Semi-clerk, NCDC Ltd., Monidih Project, District Dhanbad.
3. Amalender Sarkar, Semi Circle, NCDC Ltd., Monidih Project, District Dhanbad.
4. D. N. Mukherjee, Semi-clerk, NCDC Ltd., Monidih Project, District Dhanbad.

Vs.

1. The employers in relation to the National Coal Development Corporation Ltd., having its registered office at Darbhanga House, Ranchi through the Chairman/Managing Director.
2. Shri R. Sinha, Director (Administration), NCDC, Ltd., Darbhanga House, Ranchi.

Opposite Parties.

APPEARANCES:

On behalf of the complainants. Shri R. K. Naug, Assistant General Secretary, National Coal Organisation Employees Association.

On behalf of the Opposit Parties.—(1) Shri L. Singh, Labour Officer, (2) Shri R. S. Murti, Additional Chief Personnel Officer.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 28th November 1970

AWARD

The complainants are represented by Shri R. K. Naug, Assistant General Secretary, National Coal Organisation Employees Association and the opposite parties by Shri L. Singh, Labour Officer and Shri R. S. Murti, Additional Chief Personnel Officer. On behalf of the complainants an application is submitted to permit them to withdraw the complaint petition. This Tribunal is not concerned

with the reasons mentioned in paras 2 to 4 of the application. The permission is granted to withdraw the complaint petition. The effect of the withdrawal of the complaint petition will be that the complaint petition was not filed at all. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Central Govt. Industrial Tribunal (No. 2), Dhanbad.

[No. 1/22/67-LRII (I).]

S.O. 81.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in the matter of an application under Section 33A of the said Act from Shri Mohammad Farque, Peon, National Coal Development Corporation Limited, Ranchi and 20 others which was received by the Central Government on the 8th December, 1970.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)
DHANBAD**

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

COMPLAINT No. 31 OF 1970

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947.

(Arising out of Reference No. 214 of 1967 referred to by the Ministry by its order No. 1/22/67-LRII dated 19th July, 1967)

PARTIES:

1. Md. Faruque, Peon, NCDC Ltd., Ranchi.
2. S. Prasad, Peon, NCDC Ltd., Ranchi.
3. Michael Horo, Chairman, NCDC Ltd., Ranchi.
4. Ganesh Singh, Chairman, NCDC Ltd., Ranchi.
5. Sadananda Biswas, Chairman, NCDC Ltd., Ranchi.
6. Ram Naresh Ram, Chairman, NCDC Ltd., Ranchi.
7. Govind Kerketta, Watchman, NCDC Ltd., Ranchi.
8. Sheo Pujan Singh, Peon, NCDC Ltd., Ranchi.
9. D. B. Singh, Chairman, NCDC Ltd., Ranchi.
10. Mahesh Tirkey, Peon, NCDC Ltd., Ranchi.
11. Pika Lakra, Chairman, NCDC Ltd., Ranchi.
12. Masum, Chairman, NCDC Ltd., Ranchi.
13. George Ekka, Peon, NCDC Ltd., Ranchi.
14. Mithesh Kumar Tirkey, Peon, NCDC Ltd., Ranchi.
15. C. Tigga, Peon, NCDC Ltd., Ranchi.
16. Kailash Ram, Peon, NCDC Ltd., Ranchi.
17. R. N. Baitha, Peon, NCDC Ltd., Ranchi.
18. Marianus Bhangra, Peon, NCDC Ltd., Ranchi.
19. Md. Islamul, Peon, NCDC Ltd., Ranchi.
20. Budhan Oraon, Peon, NCDC Ltd., Ranchi.
21. National Coal Organisation Employees Association, Darbhanga House

Ranchi.

Complainants

Versus

1. The employers in relation to the National Coal Development Corporation Ltd. having its registered office at Darbhanga House, Ranchi through the Chairman/Managing Director.
2. The Director (Administration), N.C.D.C. Ltd., Ranchi.
3. The Chief of Administration, NCDC Ltd., Ranchi.

Opposite Parties

APPEARANCES:

On behalf of the complainants.—Shri R. K. Naug, Assistant General Secretary, National Coal Organisation Employees Association.

On behalf of the Opposite Parties.—(1) Shri L. Singh, Labour Officer
(2) Shri R. S. Murti, Additional Chief Personnel Officer.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, 28th November 1970

AWARD

The complainants are represented by Shri R. K. Naug, Assistant General Secretary, National Coal Organisation Employees Association and the opposite parties by Shri L. Singh, Labour Officer and Shri R. S. Murty, Additional Chief Personnel Officer. On behalf of the complainants an application is submitted to permit them to withdraw the complaint petition. This Tribunal is not concerned with the reasons mentioned in paras 2 to 4 of the application. The permission is granted to withdraw the complaint petition. The effect of the withdrawal of the complaint petition will be that the complaint petition was not filed at all. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,

Presiding Officer.

Central Government Industrial Tribunal (No. 2), Dhanbad.

[No. 1/22/67-LRII (ii).]

S.O. 82.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Hindustan Lalpeth Colliery, Post Office Chanda, District Chanda and their workmen, which was received by the Central Government on the 4th December, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

CAMP AT BHOPAL

New Delhi, the 24th October 1970

PRESENT:

Shri M. Chandra, Presiding Officer.

CASE REF. No. CGIT/LC(R) (4) OF 1970

PARTIES:

The Manager, Hindustan, Lalpeth Colliery, P. O. Chanda.

AND

Their Workmen represented through The President, M.P.D.K.K.K. Sangh, Chandrapur

APPEARANCES:

For employers.—Shri M. M. Sapra, Advocate.

For workmen.—Shri B. K. Tiwari, Advocate.

INDUSTRY: Coal Mine.

DISTT: Chanda (M. S.)

AWARD

This is a reference under Section 10 of the Industrial Disputes Act. As mentioned in the Schedule of the Order No. 3/2/70-LRII, dated 31st January, 1970, the following dispute has been referred to this Tribunal for adjudication:—

- Whether the section of the management of Hindustan Lalpeth Colliery, Chanda in placing Shri Prabhudas Doma in category I and employing him as an Explosive Carrier from December, 1965 and in withdrawing the duties of Explosive Carrier from him from September, 1969 was justified? If not, to what relief is the workman entitled and from what date?

Shri Prabhudas Doma employee alleged that he was appointed a Mazdoor on 1st March, 1964 but was given the work of a helper in the workshop without payment of the wages due to the helper and that it amounts to a foul labour practice. According to him, he was appointed as an Explosive Carrier on 30th December, 1965 and was given underground duties and had been working as an Explosive Carrier until 12th November, 1969. He alleges that he was entitled to get Rs. 7.75 per

day, which are category II wages, while he was getting only Rs. 6.55 per day which are category I wages. He alleges further that the work of explosive carrier was withdrawn from him from September, 1969. He claims that he should be reinstated in the position of Explosive Carrier and given the same duties.

The management raised a number of objections and contended that it was an individual dispute and could not be converted into an industrial dispute merely because it had been taken up by the Union viz. M. P. Rashtriya Koyala Khadan Kamagar Sangh, Chandrapur. According to the management Sri Prabhudas was never a member of the union at the relevant time and the union does not maintain records, registers and vouchers and does not observe the Trade Unions Act, grievance procedure and Code of discipline and has very little union activities at the colliery having very few members of the colliery and thus has no representative character. On merits the management alleges that Sri Prabhudas was appointed as General Mazdoor on 1st March, 1964, that he made an application in December, 1965 for being allowed to work as an Explosive Carrier because he wanted to appear in the Sidarr's examination requiring practical experience and that the permission was granted to him as desired by him. The management further alleges that Sri Prabhudas confirmed in an application his intention of merely taking experience of the Explosive Carrier foregoing his wages and designation. According to the management, application was sent to the Assistant Labour Commissioner (C) Nagpur and has not been returned. The case of the management is that after working for a period of four years Sri Prabhudas asked for a certificate to appear in Gas-testing examination in January, 1969, that the certificate was given to him, but the workman never appeared and passed the examination and was consequently asked to resume the original job of a general unskilled mazdoor. The services of Sri Prabhudas as an Explosive Carrier were according to the management not required since there were already 15 shot carriers in the service of the colliery. The contention of the management is that the worker has been properly categorised and has been properly paid.

Sri Prabhudas in his rejoinder denies that it is the dispute of single workman and has been converted into an industrial dispute and alleges that it is a case of unfair labour practice carried on by the management and that his case is only an instance. According to him he became a member of the union on 3rd October, 1969 while the complaint was made on 16th October, 1969.

The following issues arise for determination:—

ISSUES

1. Whether Shri Prabhudas Damuji was a member of the M. P. Rashtriya Koyala Khadan Kamgar Sangh at the relevant time.
2. If not, is the reference bad in law and beyond the jurisdiction of this Tribunal?
3. Whether the action of the management of Hindustan Lalpeth Colliery, Chanda in placing Shri Prabhudas Doma in Category I and employing him as an Explosive Carrier from December, 1965 and in withdrawing the duties of Explosive Carrier from him from September, 1969, was justified? If not, to what relief is the workman entitled and from what date?

Findings:

Issues Nos. 1 and 2.—The first question is what was the relevant time at which it was necessary that Sri Prabhudas Doma should have been a member of the M.P. Rashtriya Koyala Khadan Kamgar Sangh which took up his cause. The contention of the learned counsel for the management is that Sri Prabhudas Doma should have been a member of the Union at the time when the cause of action arose and not at the time of the reference.

There is nothing in the Act which makes it necessary that the dispute must be sponsored by the Union which existed at the time when the cause of action arose. The reference is under Section 10 of the Industrial Disputes Act. It provides that where the appropriate Government is of the opinion that any industrial dispute exists or is apprehended, it may at any time, by order in writing refer the dispute or any matter appearing to be connected with or relevant to the dispute to a Tribunal for adjudication.

"Industrial dispute" is defined in Section E(k) of the Act as follows:—

"Industrial dispute" means any dispute or difference between employers and employers, or between employers and workmen, which is connected with the employment or the terms of employment or with the condition of labour, of any person.

Evidently, the definition contemplates that—

1. the subject matter of the dispute is to relate to a dispute or difference in respect of the employment, terms of employment or conditions of labour of any person; and
2. the parties to the dispute may be—
 - (a) employers and employers, or
 - (b) employers and workmen, or
 - (c) workmen and workmen.

It is thus clear that the subject matter may relate to only one person. So far as the parties to the dispute are concerned the word "workmen" has been used in the plural and not singular. This is the reason why it has been held by the Supreme Court that the dispute even though it may relate to one person must be sponsored by a union or a considerable number of workmen. It is nowhere provided that the union sponsoring the dispute should have a majority of the workmen as its members or even 1/3rd of the workmen as its members. Nor is it necessary that a union sponsoring the dispute should have been in existence at the time of the dismissal. All that is necessary is that the Union of workmen or the employers should have sponsored the dispute at the time of the reference.

In *Bombay Union of Journalists and others Vs. The "Hindu"*, Bombay and another [1961 (2) Labour Law Journal] Shah, J. speaking for the Court observed:—

"In each case in ascertaining whether an individual dispute has acquired the character of an industrial dispute the test is whether *at the date of the reference* the dispute was taken up as supported by the Union of workmen of the employers against whom the dispute is raised by an individual workman or by an appreciable number of workmen." (The underlining is mine).

Two prepositions of law follow from these observations—

- (1) What is necessary that the dispute was taken up as supported by the union of the workmen at the date of the reference. It need not have been taken up at the earlier date when the workman was actually dismissed.
- (2) the dispute should be supported by the union of the workmen. If it is not supported by a union as such it must be supported by an appreciable number of workmen.

It is evident that the question of appreciable number of workmen arises in the second alternative only i.e. when the case is not supported by a union of the workmen of the employers.

In *W.I. Match Co. Ltd. Vs The W.I. Match Co. Workers Union and others* [1970 (1) Supreme Court Cases p. 225], Shelat, J. speaking for the Supreme Court observed:—

"It may be that at the date of such dismissal there is no union or that the workmen are not sufficiently organised to take up the cause of the concerned workman and no espousal for that or any other reason had taken place at the time when such cause occurs. But that cannot mean that because there was no such union in existence on that date, the dispute cannot become an industrial one if it is taken up later on by the union or by a substantial section of the workmen."

Shelat J. went on to say—

"Any controversy on the question as to whether it is necessary that a concerned workman to be a member of the union which has espoused his cause at the time when that cause arose has been finally set at rest by the decision in *Bombay Union of Journalists Vs. Hindu, Bombay* (supra) where this Court laid down that the tests whether individual dispute got converted into an industrial dispute, depended whether on the date of reference the dispute was taken on and supported by the union of workmen of the employer against whom the dispute was raised by an individual workman or by an appreciable number of such workmen."

This provides a complete answer to the argument of the learned counsel for the management. It is not material whether the union was in existence at the time of the dismissal or not. It is sufficient that the dispute has been taken up and supported by the union at the time of the reference.

The learned counsel for the management relied on a Punjab High Court decision, *Khadi Gramudyog Bhawan Workers Union Vs. Krishnamurthi (E)* and another [1966 (2) Labour Law Journal p. 261]. In this case it was held that an individual dispute can become an industrial dispute only on the date of the dismissal. It was further held that the fact that the workman became a member after the dismissal would be of no use to him. An earlier decision of the same High Court was followed. This view is not good law in view of clear observations of the Supreme Court mentioned there. For the same reason similar decisions of other High Court contrary to the Supreme Court in *W.I. Match Co.'s case* (supra) are no longer good law. The relevant time is therefore the date of the reference and all that is necessary for the workman is to show that the dispute had been taken up by the Union of workmen at that time.

Sri R. C. Pande (W.W. 3) is the President of the Union. It is proved from his statement that the union is affiliated to the INTUC and is a registered union. Its registration number is 2940 and affiliation No. 3126. It is also clear from Sri R. C. Pande's statement that the Union contains members who work in the Hindustan Lalpeth Colliery. He brought the membership Register of the Union. At page 14 Sri Prabhudas was found entered as a member. The handwriting is that of Sri Pindkar proved by W.W. 3 who is acquainted with Sri Pindkar's handwriting. The copy of the relevant entry is Ex. W.W. 3/1. In the receipt book of counterfoils (Ex. W.W. 2/1 of the reference case No. CGIT/LC(E)(B)/70 Serial No. 370 is the counterfoil of the receipt given to Sri Prabhudas for Rs. 6/-. The subscription, according to Sri Pande, is Re. -/8/- per month, but members often give advance subscription for more than a month. Since the receipt was for Rs. 6/- it is evident that the subscription was given in advance for the whole year.

It is also clear from the statement of Sri R. C. Pande that at first a hunger strike notice was given for Sri Prabhudas's case, then another hunger strike notice was given, and then there was a conciliation case before the Asstt. Labour Commissioner, Sri Shankarappa. The case was supported by the Union. Resolution No. 5 dated 24th September, 1969 at page 6 of the Minutes Book is also signed at the end by Sri Pande (W.W. 3) himself and signatures are proved by him. The resolution relates to the wages of Sri Prabhudas explosive carrier. It is true that when cross-examined Sri Pande stated that Sri Prabhudas did not make any complaint to the Union in writing. At the same time, Sri Pande, categorically stated that Sri Prabhudas himself attended the Union and told the Union about his case complaining that he was given the work of Explosive Carrier and was paid wages as General Unskilled Mazdoor since 1965. It is not necessary that a complaint to the union must be in writing. It can be oral also. Sri Pande further states that there were meetings with the colliery at the residence of the Collector and elsewhere but the colliery was not prepared to hear the workmen. It is not for the Union to keep minutes of the meeting held before the Collector. I agree with him that these meetings are called only for the sake of industrial peace.

It has thus been clearly established from the statement of Sri Pande (W.W. 3), the minutes book, register and the counterfoil of the receipt that Sri Prabhudas was a member of the Union at the relevant time, in fact on a date much earlier than the date of reference. It is also clear from the statement of Sri Pande and from these documents i.e., registers and minutes of the Union, that it is a representative union of the workers of the colliery containing a considerable number of workmen as its members.

It is not at all necessary that all the workmen or even a majority of them should be members of the union. This is a union which cannot be equated with one which contains only a few workmen as its members of a particular employer and is really an outsider. It is a union of the colliery taking up the case of a member workman working in that very colliery. It is thus clear that the dispute was an industrial dispute and is not beyond the jurisdiction of this Tribunal. Nor can the reference be said to be bad in law in any manner whatsoever.

Both the issues are found accordingly against the management and in favour of the workmen.

Issue No. 3.—It is admitted on behalf of the Union that Sri Prabhudas was appointed as a General Mazdoor on 1st March, 1966. It is further admitted that he was given the work of a helper in the workshop and that with effect from 30th October, 1965 he was appointed as an Explosive Carrier and he was given underground duties. The management alleged that this was done because in December 1966 Sri Prabhudas made an application to the Manager to allow him to work as explosive carrier because he wanted to appear in the Sirdar's examination requiring practical experience. It is further alleged that the original application,

according to the management, was sent to the Asstt. Labour Commissioner (C) Nagpur during the conciliation proceedings and has not been returned. The Union denies all these allegations and contends that no application of the kind was given by the workman. Nor was any such application sent to or produced before the Assistant Labour Commissioner (C) Nagpur.

The allegation of the management regarding the application is clearly false. The files of the Asstt. Labour Commissioner have been summoned and there is no application of the workman of the nature suggested by the management. On the contrary, in the very failure report the Asstt. Labour Commissioner (C) Nagpur himself says that the management had stated that the workman had given a letter to them for the purpose of qualifying himself for Sirdar's examination and offered to work as an Explosive Carrier without demanding the proper wages of the Explosive Carrier Cat. II, and that the management could not produce the letter referred to above for his perusal.

The management relied on Annexure No. 1 to its written statement Annexure 1 is a letter purporting to have been written by the Manager of the Colliery to the Asstt. Labour Commissioner and it is said in that letter that Sri Prabhudas had requested the management to designate him as a shot-carrier which would give him some experience to appear in the Sirdar's examination in support of which his application was enclosed which was self-explanatory. The contention is that this letter says that the explanation was sent to the Asstt. Labour Commissioner. As already mentioned above from the failure report of the Asstt. Labour Commissioner that no such application was produced before him. It is also significant that the letter Annexure No. 1 does not contain at the end any list of the enclosures. If the application had actually been sent as an enclosure it was natural for the Manager to enter it in his letter at the end as an enclosure. This is the ordinary procedure. The fact that it was not so entered shows that no application was actually enclosed. If it had been so enclosed there was no reason why the Asstt. Labour Commissioner should have said in his failure report that no application of the kind had been produced by the Manager. Sri K. P. Bajaj (E.W. 1) certainly refers to such an application in his statement in the witness box. But in view of the documentary evidence including the failure report, it is not possible to rely on the statement of Sri Bajaj, who is employed in the same company and is a highly interested witness. His interest is evident from the fact that Sri Bajaj stated that Sri Prabhudas worked as an explosive carrier for about a year, while in the written statement of the management itself it is admitted that the experience required for Sirdar's examination was of not less than three years and that after working "near about four years" as such the worker asked for the certificate to appear for the Gas-Testing examination in January, March and September, 1969. It is further mentioned in the written statement that this certificate was issued to him but when he failed to appear, he was asked to resume his original job as General Unskilled Mazdoor. It is, therefore, obvious that Sri Prabhudas worked as a shot-carrier or an explosive carrier for a much longer period than one year and at least for three or four years. Thus the Assistant Manager (E.W. 1) is prepared to go even beyond the written statement. The mere fact that the management is not mentioning him as shot-carrier in the register is only because the management was not prepared to pay him the wages of a shot-carrier. Sri Bajaj was asked categorically whether Sri Prabhudas worked as a shot-carrier from 1965 till today. He had to admit that he does not know if Sri Prabhudas was working as such for such a long period. Clearly, his statement that Sri Prabhudas only worked as shot-carrier for about a year is false and made only to support the management's case. On the basis of the statement of such a witness, it is not possible to believe him and hold that Sri Prabhudas actually made any application of the kind suggested by the management, when Sri Prabhudas has himself denied it on oath.

Sri Ravi Shanker Vyas (E.W. 2) the Head Time Keeper in the colliery has come forward to state that he read the application of Sri Prabhudas and has also deposed about the contents. He had, however, to admit that while searching for that application he did not read any other application. How could he distinguish between the alleged application and others unless he read the others also at least in past. He stated that application was sent to Assistant Labour Commissioner (C), Nagpur but when he was cross-examined he had to admit that he did not know whether the application was sent after he had given it to the Manager. He admits that he did not go to the Labour Commissioner to state about it. He is an employee of the management and it is not possible to rely on his interested statement in the face of the failure report. He has clearly sacrificed truth to his interest and zeal to support the case of the management. Nor is it possible to rely on another clerk Shri Basant Kumar (E.W. 3). He says that he had no knowledge whether

It was an important dak or not and he had only to see whether he had sent the enclosure or not. As we have already seen the letter (annexure 1) does not mention any enclosure at the bottom of the letter. So, there was no question of his sending any enclosure. Nor is it probable that the clerk at this stage would remember that any enclosure was actually sent with this letter particularly when it is not entered at the end of the letter as an enclosure. I do not believe him and find that no application of the kind is proved to have been given by the workman.

The management says in the written statement that there are 15 shot-carriers in the service of the Hindustan Lalpeth Colliery and that the management never required an explosive carrier to be added to that strength. It is at the same time admitted in the written statement itself that Sri Prabhudas was given the work of an explosive carrier. It is true that Madhukar is now under suspension. His statement has therefore to be scrutinised carefully. But he is supported by the management's own written statement on the point that Prabhudas worked as a shot-carrier and that also for about 4 years. Prabhudas also swears that he worked as a shot-carrier for many years. I do not see any reason to disbelieve them on this point.

The result is that we find that Prabhudas worked as an explosive carrier for at least 4 years and that there is nothing on record by way of any application of his to show that he had willingly foregone the wages of an explosive carrier. The management thus took from him the work of an explosive carrier and do not want to pay him the wages for the work he did. He is consequently entitled to get wages of the Explosive Carrier with effect from December, 1965. Nor is there any reason for reverting him from the job of an explosive carrier with effect from December, 1965 once we find that the management's allegation regarding Sri Prabhudas's application has not been substantiated and established. There is no justification for the withdrawal of the work from him. No adverse entry or complaint has been proved against him. There are no special qualifications proved to be necessary for the work of an explosive carrier. He is accordingly entitled to the wages of an explosive carrier with effect from December, 1965 and should be placed in category II. I find this issue accordingly for the workman.

Orders:—

In view of my findings of Issues 1 to 3, withdrawal of the duties of explosive carrier from Sri Prabhudas was not justified and he should be paid the wages of the Explosive Carrier with effect from December, 1965 and placed in Category II. He will get Rs. 200/- as his costs from the Management.

The award is made accordingly.

(Sd.) M. CHANDRA,

Presiding Officer.

24-10-1970.

[No. 3/2/70-LRII.]

S.O. 83.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of New Ghusick Colliery, Post Office Kalipahari, District Burdwan and their workmen which was received by the Central Government on the 9th December, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

(REFERENCE No. 52 OF 1970)

PARTIES:

Employers in relation to the management of New Ghusick Colliery.

AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Sri J. N. Chatterjee, an Employee.

On behalf of Workmen—Absent.

STATE: West Bengal.

INDUSTRY: Coal Mines

AWARD

By Order No. 6/27/70-LRII, dated October 17, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the management of New Ghusick Colliery and their workmen, to this Tribunal, for adjudication, namely:

"Whether the order dated the 1st April, 1970, issued by the Executive Officer, Coalfield Recruiting Organisation, Post Office Jharia, District Dhanbad, recalling Shri Bhullan Singh, Unit Supervisor, at New Ghusick Colliery, Post Office Kallipahari, District Burdwan to his office and the consequent stoppage of his work by the management of New Ghusick Colliery from the 4th April, 1970, was justified? If not, to what relief is the workman entitled?"

2. It appears from the order of reference that the cause of the workman had been espoused by the Assistant Secretary, Colliery Mazdoor Congress (HMS), but neither the Trade Union nor the workman submitted any written statement. It appears, however, from a copy of a letter addressed by the workman to the Under Secretary, Ministry of Labour, Employment and Rehabilitation, dated November 10, 1970, that he had no dispute with the management and that he was prompted to resort to the present proceedings at the instance of some persons who had completely misguided him. A copy of the aforesaid letter was also forwarded to this Tribunal by the Executive Officer of the Coal fields Recruiting Organisation. The said letter is quoted hereinbelow:

"Re: Case No. 6/27/70-L.R.ii

This is to notify that I have no dispute with the management of Bhattar and Company or for that matter with the C.R.O.

No one is authorised by me to pursue the proceeding which I was prompted to resort to at the instance of some persons who completely misguided me and benefitted at my expense.

I regret the whole thing and altogether withdraw from dispute."

3. In the written statement filed on behalf of the management, It is stated:

"(8) That Sri Bhullan Singh has no dispute with the management and the same has subsequently been admitted by Shri Bhullan Singh, himself in a letter addressed by him to the Regional Labour Commissioner, (Central), Asansol with a copy to us. A true copy of this letter dated 19th October, 1970 is being, herewith, enclosed."

4. Now that it appears that the workman is not interested in the dispute any longer, I pass a 'no dispute' award in the reference.

Dated, December 4, 1970.

(Sd.) B. N. BANERJEE.
Presiding Officer.
[No. 6/27/70-LRII]

S.O. 84.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Dugda Coal Washery, Post Office Dugda, District Hazaribagh and their workmen, which was received by the Central Government on the 3rd December, 1970.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3)
AT DHANBAD**

REFERENCE No. 81 OF 1969.

PRESENT:

Shri Sachidanand Sinha, M.A.M.I., Presiding Officer.

PARTIES:

Employers in relation to the management of Dugda Coal Washery.

Vs.

Their workmen.

APPEARANCES :

For employers—

1. Sri Ranen Roy, Advocate.
2. Sri T. N. Srivastava, Senior Personnel Officer.
3. Sri R. K. Das, Advocate, and
4. Sri S. S. Kapoor, Advocate.

For workmen—

1. Sri P. K. Bose, Advocate.

INDUSTRY: Steel.

STATE: Bihar.

Dhanbad, the 17th of November 1970

AWARD

1. The Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) by notification No. 8/50/69-LRII dated the 30th of October, 1969 referred the following industrial dispute before this Tribunal for adjudication.

SCHEDULE

- (1) Whether Dugda Coal Washery is to be treated as a separate establishment of Central Coal Washeries Organisation, Hindustan Steel Limited, for the payment of Bonus under the Payment of Bonus Act, 1965? If not, what relief the workers of Dugda Washeries of Hindustan Steel Limited are entitled to in regard to payment of Bonus under the Act?
- (2) Whether the workmen of Dugda Washery of Central Coal Washeries Organisation of Hindustan Steel Limited, Post Office Dugda, District Hazaribagh are entitled to payment of Bonus and if so, from which year?"

2. The Coal Washeries Worker's Union filed written statement on 17th November, 1969 on behalf of the workmen. Their case is that the Union presented a charter of demand dated 15th November, 1965 before the management of Hindustan Steel Limited at its Head Office at Ranchi and the financial and other affairs 1964 and 1965.

3. Consequent upon the said charter of demand dated 15th November, 1965 the management effected payment of Bonus for the financial year 1965-66 only but no payment was made either for the years prior to 1965-66 or for the subsequent years. The Union on behalf of the workmen continued to press for the payment of Bonus and when all efforts of the union proved futile the union served upon the management a notice of strike dated 12th September, 1968 with a 17 points demand in which the demand for Bonus was one of the items.

4. The management and the Union had detailed discussions over the strike notice and ultimately a settlement was arrived at between the parties on 27th May, 1969 and in regard to demand of Profit Sharing Bonus the parties agreed to have a voluntary reference under Section 10(2) of the Industrial Disputes Act, 1947.

5. In view of the aforesaid terms of settlement a joint reference under Section 10(2) of the Industrial Disputes Act, 1947 was made by the parties and the Central Government have referred the present matter before this Tribunal for adjudication.

6. According to the Union the management and control at the highest level in respect of Dugda Coal washery are in the hands of the top management of Hindustan Steel Limited at its Head Office at Ranchi and the financial and other affairs are also controlled from Ranchi in accordance with law and practice of the management and for all practical purpose Dugda Coal Washery is treated as an unit of Hindustan Steel Limited.

7. The Central Coal Washeries Organisation is simply an Administrative wing of the Hindustan Steel Limited for coordinating between the three units of coal washeries and besides that it has got no separate entity, and that the Dugda Coal Washery can not be treated as a separate establishment of the Central Coal Washeries Organisation, Hindustan Steel Limited for the payment of Bonus under the Payment of Bonus Act, 1965 but it should be treated as constituent unit of Hindustan Steel Limited and to be taken at par with all the units of Hindustan Steel Limited.

8. Since Dugda Coal Washery is not a separate establishment but one of the constituent units of the Hindustan Steel Limited the workmen of Dugda Coal washery are to be treated at par with all employees of Hindustan Steel Limited and are entitled to receive Bonus under the Payment of Bonus Act, 1965 for all the years under dispute.

9. The management have already made payments of Bonus under the Payment of Bonus Act, 1965 to the workers of Dugda Coal Washery for the financial year 1965-66 and again for the financial year 1968-69 withholding payments for the earlier financial years prior to 1965-66 and for the intervening years i.e. for 1966-67 and 1967-68.

10. On these grounds the prayer of the Union is that the Dugda Coal Washery should not be treated as a separate establishment but it should be treated as a constituent unit of Hindustan Steel Limited and the workmen of Dugda Coal Washery should be treated at par with all employees of Hindustan Steel Limited and be paid Bonus for all the years since 1963-64. The workmen of Dugda Coal Washery are entitled to payment of Bonus with effect from the financial year 1963-64 and onwards.

11. The management filed written statement on 12th December, 1969. Their case is that apart from three steel plants at Durgapur, Rourkela and Ballal the Hindustan Steel Ltd has under its management and Alloy Steels Plant at Durgapur, a Fertiliser Plant at Rourkela, the Central Coal Washeries Organisation at Dhanbad.

12. Like Steel Plants and Fertiliser and Alloy Steels Plant the Central Coal Washeries Organisation also maintains its own consolidated Balance-sheet and Profit and Loss Accounts. The three coal washeries at Dugda, Shojudih and Patherdih are merely the parts of the Central Coal Washeries Organisation.

13. Though the Central Coal Washeries Organisation was set up in 1959 the first coal washery which came into regular production was Dugda Coal Washery No. 1 in 1962 and subsequently the other coal washeries started regular production at Bhojudih in 1962-63 and at Patherdih in 1965-66. Another Coal Washery at Dugda (II) came into regular production in 1968-69. This comprises the entire set of the Central Coal Washeries Organisation.

14. The Coal Washeries are only parts of the Central Coal Washeries Organisation under its administrative control and management, and that, in the circumstances, the Dugda Coal Washery cannot be treated as a separate establishment of Central Coal Washeries Organisation for payment of bonus under the Payment of Bonus Act.

15. Accordingly the workmen at Dugda Coal Washery would be entitled to bonus from the year the Central Washeries Organisation earns profit within the meaning of the Act or on the expiry of the sixth accounting year i.e. from the year 1968-69.

16. According to the management the Dugda Coal Washery cannot be treated as a constituent unit of Hindustan Steel Limited.

17. The Union has examined 4 witnesses, viz., WW-1 to WW-4 and also exhibited 13 item of documents which are marked as Exit. W-1 to W-13. The management has also examined one witness, viz., Shri K. Janardan, the Senior Accounts Officer of Central Coal Washery Organisation.

18. WW-3 is Sri B.D. Dubey, who is the President of the Coal Washeries workers Union and is also a member of the Bihar Legislative Assembly. In his evidence he has stated the case of the Union in very clear words. He stated that for the financial year 1965-66 bonus was paid by the management @ 4 per cent for the workers of Dugda Coal Washery. In that year only 4 per cent bonus was paid to all the workmen of all concern of Hindustan Steel Ltd. and the bonus was not paid for the financial year 1966-67, 1967-68 for which they raised dispute. He has further stated that their claim is that they are the constituent unit of the Hindustan Steel Limited and to be treated at par with all other units of Hindustan Steel Ltd.

19. MW-1 Sri K. Janardan is the Senior Accounts Officer in Central Coal Washeries Organisation of Hindustan Steel Ltd. He has stated in his evidence that he prepares balance sheet and profit and loss accounts of Central Coal Washeries Organisation and that the printed annual report contain consolidated balance sheet of the Hindustan Steel Limited as also balance sheet and Profit and Loss

Account of Central Coal Washeries Organisation. He has further stated that the production started in Dugda No. 1 Coal Washery in 1962-63.

20. MW-1 has proved Ext. M-11 series, and he has stated in his evidence that the calculation of depreciation was made in his department and it was checked by him and it bears his signature. He has further stated that he has also calculated the income tax depreciation for the year 1963-64 to 1967-68 (Ext. M-13).

21. The printed annual reports (Ext. M-1 to M-10) contain consolidated balance sheets of Hindustan Steel Limited and also Central Coal Washeries Organisation.

22. The case of the management in brief is that the three coal washeries, namely Bhojudih, Pathardih and Dugda Coal Washeries are departmentally run as undertakings of the Central Coal Washeries Organisation with their administrative office at Dhanbad. The Central Coal Washeries Organisation prepares and maintains a separate balance sheet and profit and loss Account and is therefore, to be treated a separate establishment under the Payment of Bonus Act, 1965.

23. Whereas the case of the Union in brief is that Dugda Coal Washery is not a separate establishment of the Central Coal Washeries Organisation but one of the constituent units of the Hindustan Steel Limited and that the workmen of Dugda Coal Washeries are to be treated at par with all employees of Hindustan Steel Limited and are entitled to receive Bonus under the Payment of Bonus Act, 1965.

24. This is in substance the case of the parties.

25. The first question for my consideration is what is the relationship of the Central Coal Washeries Organisation to the parent body, namely the Hindustan Steel Limited. I have next to see what is the position of the Dugda Coal Washery i.e. I have next to consider the position of Dugda Coal Washery and see whether it is a branch of the Central Coal Washeries Organisation or a branch of the undertaking of the Hindustan Steel Ltd., the present organisation. This would determine the basis on which the workmen would earn bonus and also the year from which they would earn bonus.

26. Under the Payment of Bonus Act, 1965, the word "establishment" is not separately defined. It is however, apparent from the language of Section 2(14) that an establishment may be a factory or any other kind of business establishment. Therefore, I find that the word 'establishment' has been used in the statute in its ordinary sense of a business or manufacturing concern. Section 3 of the Payment of Bonus Act contemplates an establishment consisting of different departments, undertakings or branches. Section 3 of the payment of Bonus Act runs as follows:—

"Where an establishment consists of different departments or undertakings or has branches, whether situated in the same place or in different places, all such departments or undertakings or branches shall be treated as parts of the same establishment for the purpose of computation of bonus under this Act;

Provided that where for any accounting year a separate balance sheet, and profit and loss account are prepared and maintained in respect of any such department or undertaking or branch, then, such department or undertaking or branch shall be treated as a separate establishment for the purpose of computation of bonus under this Act for that year, unless such department or undertaking or branch was, immediately before the commencement of that accounting year treated as part of the establishment for the purpose of computation of bonus."

27. The main part of Section 3 provides that where an establishment consists of different departments or undertakings or has branches whether situated in the same place or in different places, all such departments and undertakings and branches shall be treated as parts of the same establishment for the purpose of computation of bonus.

28. The proviso to the Section, however, makes an exception in that it treats such departments, undertakings or branches as "separate establishment" for the purpose of computation of bonus, if for any accounting year a separate balance sheet and profit and loss accounts were prepared and maintained for it by such departments, undertakings or branches. But the exception does not apply, if immediately before the commencement of accounting year such departments, undertakings or branches had been treated as parts of the establishment for the purpose of computation of bonus.

29. Thus although an establishment means an establishment that is to say, a business or manufacturing concern, Section 3 of the Payment of Bonus Act creates

a legal fiction under which there may be an establishment consisting of different departments, undertakings or branches, each of which must be deemed to be a "separate establishment." In other words, for the purpose of computation of bonus, departments, undertakings or branches of an establishment do not mean parts of the parent establishment, under certain circumstances, but need be regarded as separate establishments.

30. It was argued before me on behalf of the management that the Dugda Coal Washery should not be treated as a separate establishment either of the Central Coal Washery Organisation of Hindustan Steel Ltd. or of Hindustan Steel Limited itself. It was submitted before me that the Central Coal Washery Organisation was a department or undertaking of the Hindustan Steel Limited, which maintains a separate account and should be treated as a separate establishment. Dugda Coal Washery was a unit of the Central Coal Washeries Organisation and it could not be treated as a separate establishment of the said Organisation and there is substance in the submission made by the management.

31. It appears from Ext. M-9 and M-10 (Annual report) containing balance sheet and profit and loss account for the years 1966-67 and 1967-68, that separate balance sheet and profit and loss account were being maintained for the Central Coal Washeries Organisation and not for Dugda Coal Washery. Thus, the position is that the Dugda Coal Washery is a unit of the Central Coal Washeries Organisation which is a separate establishment of the parent establishment known as Hindustan Steel Limited. The payment of Bonus Act contemplates existence of separate establishment or establishment within an existing establishment, but does not contemplate creation of a separate establishment within a separate establishment itself. Therefore, the Dugda Coal Washery cannot be treated as a separate establishment of the Central Coal Washeries Organisation of Messrs Hindustan Steel Limited for the purpose of Payment of Bonus Act.

32. It cannot be also a separate establishment of the Hindustan Steel Limited because with that parent organisation it has little connection. But because it is a unit of a separate establishment, the workmen employed in the unit should be entitled to bonus at the rate payable to the said separate establishment, namely the Central Coal Washeries Organisation.

33. I therefore, hold that the Dugda Coal Washery is not to be treated as a separate establishment of the Central Coal Washeries Organisation of Messrs Hindustan Steel Limited for Payment of Bonus. I also hold that the Dugda Coal Washery is a unit of the Central Coal Washery Organisation, which itself is a separate establishment of Hindustan Steel Limited. Therefore, Dugda Coal Washery forms an integral part of the Central Coal Washeries Organisation. The workmen employed in Dugda Coal Washery are therefore, entitled to bonus on the basis of the separate Balance Sheet and Profit and Loss Account of the Central Coal Washeries Organisation of Messrs Hindustan Steel Limited and not on the consolidated balance sheet and profit and loss account of the Hindustan Steel Limited.

34. Therefore, Section 16 of the Payment of Bonus Act shall be applicable to Central Coal Washeries Organisation.

35. There is no dispute that Messrs Hindustan Steel Limited was incorporated in January, 1954 and the Dugda Coal Washery started production from the year 1962-63. The relevant portion of section 16 of the payment of Bonus Act, 1965 runs as follows:—

"Where an establishment is newly set up, where before or after the commencement of this Act, the employees of such establishment shall be entitled to be paid bonus under this Act only:—

- (a) from the accounting year in which the employer derives profit from such establishment; or
- (b) from the sixth accounting year following the accounting year in which the employer sells the goods produced or manufactured by him or renders services, as the case may be, from such establishment,

whichever is earlier :

Provided that in the case of any such establishment the employees thereof shall not, save as otherwise provided in Section 33, be entitled to be paid bonus under this Act in respect of any accounting year prior to the accounting year commencing on any day in the year 1964.

Explanation I.—For the purpose of this section an establishment shall not be deemed to be newly set up merely by reason of a change in its location, management, name or ownership.

Explanation II.—For the purpose of clause (a) an employer shall not be deemed to have derived profit in any accounting year unless:—

- (a) he has made provision for that year's depreciation to which he is entitled under the Income-tax Act or, as the case may be, under the agricultural income-tax law; and
- (b) the arrears of such depreciation and losses incurred by him in respect of the establishment for the previous accounting years have been fully set off against his profits."

36. Therefore, the employees are to get bonus from the accounting year in which the employers derives profit.

37. These profit and loss account for the year 1964-65 shows that the Co., made a net profit of Rs. 2.36 million. Therefore, the workmen of the Central Coal Washeries Organisation became entitled to payment of bonus from the year ended 31st March, 1965.

38. There was no question of giving to the management any bonus holiday as contemplated in Section 16.

39. It also appears from the annual reports (Ext. M-7 to M-10) that the management made the following net profit:

- (a) For the accounting year ending 31-3-65 the Co. made net profit of Rs. 2.36 million.
- (b) For the accounting year ending 31-3-66 the Co. made net profit of Rs. 3.22 million.
- (c) For the accounting year ending 31-3-67 the Co. made net profit of Rs. 2.94 million.
- (d) For the accounting year ending 31-3-68 the Co. made net profit of Rs. 5.20 million.

40. There is a dispute between the parties regarding the calculation of depreciation. According to the management the profit shown in the profit and loss account of Central Coal Washeries Organisation for the year 1964-65 and for the subsequent years are no profit because of the provisions of explanation II of subsection (1) of Section 16 of the Payment of Bonus Act.

41. According to the management if the depreciation is calculated according to the Income Tax Act it will wipe out the profit altogether rather it will show loss. Therefore, according to the management the Central Coal Washeries Organisation came in production for sale through its Dugda Coal Washery in the accounting year 1962-63 and therefore, the workmen of the Dugda Coal Washery cannot claim bonus under the Act prior to the year 1968-69.

42. The real dispute therefore, hinges on the calculation of the depreciation.

43. The management has shown the depreciation in the profit and Loss Account for the year 1964-65 to 1967-68 as follows:—

For the year ending 1964-65	5.15 million.
For the year ending 31-3-66	7.13 "
For the year ending 31-3-67	8.58 "
For the year ending 31-3-68	8.59 "

44. The management has shown the loss of depreciation as per Income-tax Act for the year 1964-65 to Rs. 67-68 million as follows:

For the year ended 31-3-65	12.69 million.
For the year ended 31-3-65	16.22 "
For the year ended 31-3-67	17.44 "
For the year ended 31-3-68	14.87 " (vide Ext. M-13).

45. MW-1 has stated in his evidence that the calculation of depreciation as given in profit and loss account is on straight line method and it is not acceptable by the income-tax. For the income-tax purpose depreciation is calculated on diminishing balance method as given in the Income-tax Act.

46. He had further stated that these charts (Ext M-11 series) show depreciation according to the Income-Tax Act for the year 1962-63 to 1967-68.

47. The crux of the whole problem is the calculation of depreciation. Having ascertained the amount of gross profits the first item of deduction relates to

depreciation. The Income-tax Act has provided for initial and additional depreciation besides the statutory depreciation which was already admissible. In other words, depreciation allowed under the Income-Tax Act now consists of what may be called the statutory normal depreciation calculated under rule 8 as well as initial depreciation and additional depreciation.

48. The initial depreciation and additional depreciation are in a sense abnormal additions to the income-tax depreciation and they are designed to meet particular contingencies and for a limited period.

49. It appears that in the ultimate result the depreciation under the Income-tax Act and depreciation under the company's Act achieve the same result, but under the Income-tax Act the initial depreciation and additional depreciation in the early years raise the quantum of depreciations very considerably, to the detriment of the available surplus, and so it would not be fair to the workmen that these two depreciations should be rated as prior charges before the available surplus is ascertained.

50. Therefore, in this case I find that the Dugda Coal Washery made net profit in the accounting year ending 31-3-65. Therefore, the workmen of the Dugda Coal Washery are entitled to bonus from the year ended March, 31, 1965 and there is no question of giving to the management any bonus holidays as contemplated under Section 16 of the Payment of Bonus Act.

51. The management as a matter of fact paid bonus for the year 1965-66. Again the workmen have been paid bonus for the year 1968-69. They have not been paid bonus for the intervening period i.e. for the financial year 1966-67 and 1967-68. In as much as in all these years the Central Coal Washeries Organisation had no available surplus for giving bonus, the workmen are entitled to only minimum bonus under the provisions of Section 10 of the Payment of Bonus Act for the financial years 1966-67 and 1967-68.

52. In this view of the case I hold that the Dugda Coal Washery is not to be treated as a separate establishment of the Central Coal Washeries Organisation for the payment of bonus under the Payment of Bonus Act. It is to be treated as unit of the Central Coal Washeries Organisation which is itself a separate establishment. In that view of the workmen employed at Dugda Coal Washery are entitled to the same payment of bonus to which the other employees of the Central Washeries Organisation are entitled, on the basis of the separate balance-sheets and profit and loss accounts of the Organisation.

53. The workmen employed in the Dugda Coal Washery are entitled to the minimum bonus for the financial year 1966-67 and 1967-68.

This is my award.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.

[No. 8/50/69-LRII.]

New Delhi, the 28th December 1970

S.O. 85.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri O. Venkatachalam, Chief Labour Commissioner (Central), New Delhi, Arbitrator, in the industrial dispute between the employers in relation to the National Coal Development Corporation Limited, Darbhanga House, Ranchi and their workmen, which was received by the Central Government on the 15th December, 1970.

In the matter of arbitration of an industrial dispute between the management of M/s. N.C.D.C. Ltd. Ranchi and their workmen represented by the National Coal Organisation Employees Association, Ranchi.

PRESENT:

Shri O. Venkatachalam, Chief Labour Commissioner (Central) & Arbitrator.

Representing the Management:

1. Shri R. S. Murthi, Additional C.P.O. M/s. N.C.D.C., Ranchi.

Representing the workmen:

1. Shri Abraham Mathew, General Secretary, National Coal Organisation Employees Union, and others.

By an agreement dated 16th May, 1970 the Management of M/s. N.C.D.C. Ltd., Ranchi and the National Coal Organisation Employees Association, Ranchi agreed to refer the industrial dispute between them over the following issue for my arbitration under Section 10A of the I.D. Act:—

"Whether in view of various orders and circulars issued by the NCDC the date of increment fixed by the Management of NCDC in connection with implementation of Coal Wage Board as 15th August, of each year is justified? If not, to what relief the workmen are entitled keeping in view the *ad hoc* increment granted by the Management with effect from 15th August, 1969."

2. While agreeing to treat my decision as binding on them, the parties desired that I should take my Award within a period of six months from the date on which the aforesaid agreement was published in the Gazette of India. The said agreement was duly published in the Gazette of India on 4th July, 1970. The issue referred for arbitration would concern about 43,000 workmen out of the total of over 66,000 workmen employed by M/s. NCDC in all their collieries and allied establishments.

3. After addressing the parties calling for their respective statements of the case and rejoinders to each other's statement, I took up the case for hearing at Ranchi on 8th August, 1970. At this hearing the Management pleaded for adjournment of the case for at least two weeks on the ground that their written statement could not be prepared due to other pressing work and as the workmen have also not submitted their written statement till then. While submitting their written statement on that date, the representatives of the employees association had no objection to the adjournment of the hearing as requested by the Management. The hearing was accordingly adjourned to 11th September, 1970 to be held at Calcutta. At this hearing, the representatives of the Association were present but those of the Management could not attend because of sudden cancellation of train from Ranchi to Calcutta due to heavy rains on the previous night. The hearing was accordingly adjourned again and it was resumed at Calcutta on 4th November, 1970. The case was partly heard on that day when the parties were all present but the further hearing was adjourned to 20th November, 1970 at New Delhi to suit the convenience of the parties. The case was fully heard on 20th November, 1970 and the parties also concluded their arguments the same evening.

4. The contentions of the parties have been set out very elaborately in their statements of the case and in the rejoinders to each other's statement, and I do not propose to reproduce them in this Award. It is enough if I set out briefly the relevant facts and circumstances of the case as per their statements and the oral submissions made by them during the hearing before me.

5. The Wage Board for Coal Mining Industry which was set up by the Government of India in August, 1962 submitted its report to the Government in February, 1967. In Section F of Chapter VIII of its report the Wage Board recommended that the emoluments of the workmen as on 1st October, 1966 should form the basis for fixation of their pay in the scales of pay recommended by the Board. It was also recommended by the majority of members of the Board (the employers representatives dissenting) that its recommendations should be implemented from 1st January, 1967. The Board was, however, silent, presumably through oversight, on the question of date of annual increment in the revised pay scales. The Government of India, however, decided that the Board's recommendations to the extent they were accepted by the Government should be implemented from 15th August, 1967. Most of the large employers (including NCDC) have, therefore, implemented the Board's recommendations including the revised scales of pay from 15th August, 1967. All the employers in the industry took the total emoluments as on 1st October, 1966 for purpose of fitment in the revised scales. Some of the employers including N.C.D.C. had counted the total service put in by individual workmen till 14th August, 1967 for granting service increments at the rate of one increment for every three completed years of service subject to a maximum of three increments in the revised scales of pay. But all the employers granted increments in the new scales on 15th August 1968 and on the 15th August of each succeeding year. Subsequently in the middle of 1969 some of the trade unions including the N.C.O.E.A. who is a party to this arbitration had started agitation for grant of annual increments in the revised pay scales on 1st October, 1967 and on the 1st October of each year thereafter. This demand of the workmen was met only by two employers in the industry. fully by M/s. Tata Iron & Steel Co. and partly by M/s. N.C.D.C., the latter having granted an additional increment to the workmen

on the 15th August, 1969 i.e., the workmen in their case were given two annual increments in the revised pay scales on 15th August, 1969. This management had also conceded to the workmen who joined the service of the Corporation after 1st October, 1966, the anniversary date of their joining for future increments in the revised pay scales. Likewise, the workmen who were promoted to higher posts after 1st January, 1967 have been given the benefit of annual increments to coincide with the anniversary dates of their promotion. Not satisfied with these concessions, the National Coal Organisation Employees Association demanded full implementation of the Wage Board's pay scales in respect of the annual increments in the revised pay scales. As the Wage Board's report as well as the Government's resolution accepting the Board's recommendations were silent on this question, the Management of NCDC and the Association entered into an agreement for my arbitration of the issue as already stated above.

6. The Association in its written statement of the case and the rejoinder *inter alia* referred to certain cases of workmen of NCDC being placed in inappropriate scales of pay and to some other cases of what it thought to be improper fitment of the workmen in the revised pay-scales. As such cases fell outside the purview of the terms of reference for my arbitration, I told the representatives of the Association accordingly and expressed my inability to deal with such cases. On the question of annual increments to the workmen in the revised pay-scales, the Association pleaded that as the Wage Board was silent on this question, the respective dates of increment of the individual workmen in their old scales should be operative also in the revised pay-scales. The Association accordingly argued that if a workman had joined the Corporation's service on the 2nd October, of any year before 1st October, 1966, he should be entitled to the first annual increment in his new pay-scale on the 2nd October, 1966 and on the anniversary of that date in every succeeding year, as if the revised pay scales came into force on 1st October, 1966 for all purposes, but for actual payment with effect from 15th August, 1967. In support of their case, the Association's representatives referred to certain decisions of the Supreme Court and High Courts. They are not, however, quite relevant to the issue under consideration. The Association even pleaded for full weightage of past services while fitting the workmen in the revised scales of pay. Alternatively, the Association argued that as the workmen of the Corporation were fitted into the new pay scales on the basis of their total emoluments as on 1st October, 1966, they should be entitled to the first annual increment on 1st October, 1967 and to subsequent increments on the 1st October, of each succeeding year.

7. While opposing the demand of the workmen, the Management referred to the various concessions which they had granted to the workmen while implementing the Wage Board's recommendations and in particular to the additional increment granted on 15th August, 1969. They also referred to the fact that both under the Award of the Mazumdar Tribunal (1956) and the Arbitration Award of Shri Das Gupta (1959), the workmen had reached the maximum of their respective pay-scales much earlier than 1966 and as such they would not have earned any increment immediately before or after October, 1966. The Management's representative argued that as the new scales were implemented from 15th August, 1967, the Management was fully justified in granting annual increments on the anniversary date of each succeeding year, particularly as the Wage Board's report and the Central Government's resolution accepting the Board's recommendations were both silent on the question. In support of his contention, he invited attention to the practice adopted by the coal industry under the Mazumdar Award in respect of monthly-rated employees and the specific recommendations of the Arbitrator Shri Das Gupta whose incremental scales were implemented in respect of daily-rated workmen of the coal industry from 1st June, 1959 and to the recommendations of the Wage Boards for Limestone and Dolomite and for Iron Ore Industries which were implemented from 1st January, 1967 and the annual increments granted on the anniversary of those dates. It was further argued on behalf of the Management that as the workmen were guaranteed a minimum increase of 10 per cent in their existing emoluments while fixing their pay in the new scales and as they were fully compensated for the rise in the cost of living between 1st October, 1966 and 15th August, 1967 by means of variable DA in accordance with the Wage Board's formula, no hardship at all was caused to them by postponing the implementation of the pay scales and other recommendations of the Wage Board to 15th August, 1967 in terms of the Government's resolution. The observations of the Wage Board in paragraphs 13 and 14 of Chapter XVIII of its report show that the Board itself visualised the possibility of its recommendations being brought into effect even after 1st April,

1967. The management also referred to the fact that as against the minimum annual increment of 3 paise per day (78 paise per month) for a daily-rated workman under the Das Gupta Award and Re. 1 per month for monthly-rated workmen under the Mazumdar Award, the corresponding rates of increments under the Wage Board's scales of pay are 10 paise per day (Rs. 2.60 per month) for daily-rated workmen and Rs. 3 per month for monthly-rated workmen. These rates of increments under the Wage Board's recommendations being substantially more than the rates under the earlier awards applicable to the coal industry, the workmen should not complain of any hardship on account of the principle followed by the Management of N.C.D.C., in common with the other employers in the industry, of granting their workmen annual increments on each anniversary date from 15th August, 1967.

8. I appreciate the weight of the arguments advanced on behalf of the Management. By granting an additional increment on 15th August, 1969 at a recurring cost of Rs. 40 lakhs per annum, they had practically reached the peak level of implementation of the Wage Board's recommendations, and gone ahead of all other employers in the industry with the exception of M/s. Tata Iron & Steel Co. Ltd. Any further liberalisation in regard to annual increments by this Corporation would not only entail further strain on its finances which have lately show some improvement, it would also have very wide repercussions on the entire private sector of the coal industry as also on the other public sector company, viz., M/s. Singareni Colliery Co. Ltd., who have all been struggling hard due to the keen competition in the industry consequent on the removal of controls on coal since the middle of 1967. The only employer who has granted annual increments from 1st October, 1967 and on the anniversary dates thereafter is M/s. Tata Iron & Steel Co. whose collieries being captive mines of the steel industry could afford to do so because they have not to compete with other employers in the industry for their survival.

9. In the circumstances, I accept the contentions of the Management of NCDC and decide that in view of the various orders and circulars issued by the NCDC, the date of increment fixed by its Management as 15th August of each year is proper and justified. Consequently, the workmen will not be entitled to any relief under this award. The reference to me stands disposed of accordingly.

10. I would, however, advise the Management to pay to the NCOEA the expenses incurred by its representatives (two for each hearing) for attending the hearings (2 at Calcutta and one at Delhi) to plead their case before me in this arbitration. I am suggesting this in view of the weak finances of the generality of trade unions in the country.

(Sd.) O. VENKATACHALAM.

Chief Labour Commissioner (C)
and Arbitration.

[No. 8/93/70-LR.II.]

(Department of Labour and Employment)

ORDERS

New Delhi, the 10th December 1970

S.O. 86.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bankola Colliery, Post Office Ukhra, District Burdwan, and their workmen in respect of the matters specified in the Schedule hereto annexed

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal Calcutta, constituted under section 7A of the Act.

SCHEDULE

"Whether the management of Bankola Colliery, Post Office Ukhra, District Burdwan was justified in effecting a change in shift working of Sarvashri K. K. Bhattacharjee and S. K. Mitra, Overman, Centenary Incline Bankola Colliery from three shifts to 2nd and 3rd shifts in rotation from the 6th August, 1969? If not, to what relief the workmen are entitled?"

[No. 6/38/70-LR.II.]

(श्रम और रोजगार विभाग)

आदेशों

नई दिल्ली, 10 दिसम्बर, 1970

का० प्रा० 86.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में बंकोला कोयला खान, डाकघर उखरा, जिला बर्दवान के प्रबन्धतन्त्र से सम्बद्ध निबोधकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, प्रथम औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या बंकोला कोयला खान, डाकघर उखरा, जिला बर्दवान के प्रबन्धतन्त्र का सर्व श्री के० के० मट्टाचार्य और एस० के० मिश्रा, ओवरमैन, सैंटरी इन्कलाइन बंकोला के पारी कार्य को 6 अगस्त, 1969 से तीन पारियों से दूसरी और तीसरी पारी के चक्रानुक्रम में परिवर्तित करना न्यायोचित था ? यदि नहीं तो कर्मकार किस अनुवोध के हकदार हैं ?"

[संख्या 6/38/70-एल० प्रार० 2]

New Delhi, the 11th December 1970

S.O. 87.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of North Tetulmari Colliery belonging to Tetulmari Colliery Company Limited, Post Office Sijua (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2), Dhanbad, Constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of North Tetulmari Colliery belonging to Tetulmari Colliery Company, Post Office Sijua (Dhanbad) in dismissing Shri Rambaran Singh, Fan Khalasi, with effect from the 14th February, 1970 was justified? If not, to what relief is the workman entitled?"

[No. 2/139/70-LR.II.]

नई दिल्ली, 11 दिसम्बर, 1970

का० प्रा० 87.—अतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में तेतुलमारी कोलियरी कंपनी लिमिटेड, डाकघर सिजुआ (धनबाद) को उत्तर

तेतुलमारी कोयलाखान के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्याय निर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 2), धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

“क्या तेतुलमारी कंपनी, डाकघर सिजुआ (धनबाद) को उत्तर तेतुलमारी कोयलाखान के प्रबन्ध-तन्त्र को श्री रामबरन सिंह, यंखा खलासी को 14 फरवरी, 1970 से पदच्युत करने की कार्यवाही न्यायोचित थी? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है ?”

[सं० 2/135/70-एन० आर० 2]

S. O. 88—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Methani Colliery, Post Office Sitarampur, District Burdwan, of Messrs Equitable Coal Company Limited, and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication,

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

“Keeping in view the duties performed by the following workmen, whether the management of Methani Colliery, Post Office Sitarampur, District Burdwan of Messrs Equitable Coal Company Limited, is justified in refusing their claim for higher category and designation mentioned in column 4 against each under the recommendations of the Wage Board for Coal Mining Industry? If not, to what relief are these workmen entitled and from what date?”

Sl. No.	Name	Present designation.	Designation and category demanded.
1	2	3	4
1.	Shri Sayed.	Fitter (Category V)	Fitter (Category VI)
2.	Shri Rasul.	Fitter (Category V)	Fitter (Category VI)
3.	Shri Gayanandra.	Lamp Mazdoor (Category I)	Lamp clearing Mazdoor (Category II)

[No. 1/33/70-LR. II]

का० आ० 88.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मर्स इक्विटेबल कोल कम्पनी लिमिटेड की मेथानी कोयला खान डाकघर सीतारामपुर, जिला बर्दमान के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एतद्-द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिये निर्देशित करती है ।

अनुसूची

“क्या निम्नलिखित कर्मकारों द्वारा की जा रही श्रृष्टियों को ध्यान में रखते हुये मैसर्स इन्विटेबल कोल कम्पनी, लिमिटेड की मेथानी कोयला खान, डाकघर सोनारामपुर, जिला वर्दमान के प्रबन्धतंत्र का कोयला खनन उद्योग के लिये मजदूरी बोर्ड को तिकारिशों के अधीन प्रत्येक के सामने स्तम्भ 4 में उल्लिखित उच्चतर प्रवर्ग और पदनाम के उनके दावे को न मानना न्यायोचित है ? यदि नहीं, तो ये कर्मकार किस अनुतोष के हकदार हैं और किस तारीख से ?”

क्रम संख्या	नाम	वर्तमान पदनाम	पदनाम और प्रवर्ग जिनकी मांग की गई है ।
1	2	3	4
1.	श्री वैद्य	फिटर (प्रवर्ग 5)	फिटर (प्रवर्ग 6)
2.	शारदा	फिटर (प्रवर्ग 5)	फिटर (प्रवर्ग 6)
3.	आग्यानेन्द्र	लैम्प मजदूर (प्रवर्ग 1)	लैम्प सफाई मजदूर (प्रवर्ग 2)

[सं० 1/33/70-एल० आर० 2]

S.O. 89.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Pootkee Colliery of Messrs Bhowra Kankanee Collieries Limited, Post Office Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the action of the management of Pootkee Colliery of Messrs Bhowra Kankanee Collieries Limited, Post Office Kusunda, District Dhanbad was justified in refusing work to Shri Sharfuddin, Electric Fitter with effect from the 12th September, 1969? If not, to what relief is the workman concerned entitled?”

[No. 2/26/70-LR.II.]

का० प्रा० 99:—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स भीरा कंकानी कोलियरीज लिमिटेड, डाकघर कुसुन्डा, जिला धनबाद की पुटकी कोयलाखान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्याय निर्णयन के लिये निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 2), धनबाद को न्यायनिर्णयन के लिये निर्देशित करती है ?

अनुसूची

“क्या मैसर्स भीरा कंकानी कोलियरीज लिमिटेड, डाकघर कुसुन्डा, जिला धनबाद की पुटकी कोयला खान, प्रबन्ध तंत्र की श्री शर्फुद्दीन, बिजली फिटर को 12 सितम्बर, 1969 से काम देने से इन्कार करने की कार्यवाही न्यायोचित थी ? यदि नहीं, तो सम्बन्धित कर्मकार किसी अनुतोष का हकदार है ?”

[सं० 2/26/70-एल० आर० 2]

S.O. 99:—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Shankarpur Colliery of Messrs Ukhra Minerals Private Limited, Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

“Whether the management of Shankarpur Colliery of Messrs Ukhra Minerals Private Limited, Post Office Ukhra, District Burdwan was justified in dismissing Shri Kanta Harijan, Pickminer from the 19th May, 1970? If not, to what relief is the workman entitled?”

[No. 6/51/70-LR.II.]

का० प्रा० 90 :—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स उखरा मिनरल्स प्राइवेट लिमिटेड, डाकघर, उखरा जिला बर्दवान को शंकरपुर कोयला खान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिये निर्देशित करती है ।

अनुसूची

“क्या मैसर्स उखरा मिनरल्स प्राइवेट लिमिटेड, डाकघर, उखरा, जिला बर्दवान की शंकर-पुर कोयला खान के प्रबन्धतंत्र का श्री कांत हरिजन, पिकमाइनर को 19 मई, 1970 से पदव्युत्त करना न्यायोचित था ?
यदि नहीं, तो कर्मकार किन अनुतोष का हकदार है ?”

[सं० 6/51/70-एल० आर० 2]

S.O. 91.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bankola Colliery of Messrs Burrakur Coal Company Limited, Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

“Whether in view of the nature of duties performed by Shri Sudhir Roy, Shale Picker, the management of Bankola Colliery of Messrs Burrakur Coal Company Limited, Post Office Ukhra, District Burdwan is justified in not designating him as loading Supervisor? If not, to what relief is the workman entitled and from what date?”

[No. 6/44/70-LR.II.]

का० आ० 91 :—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिश्चित विषयों के बारे में मैसर्स बुरकुर कोल कम्पनी लिमिटेड, डाकघर उखरा, जिला बर्दवा को बंकोला कोयलाखान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिये निर्देशित करती है।

अनुसूची

“क्या श्री सुधीर राय शेलपिघर द्वारा की गई भ्यूटियों की प्रकृति को ध्यान में रखते हुये मैसर्स बुरकुर कोल कम्पनी लिमिटेड, डाकघर उखरा जिला बर्दवान को बंकोला कोयला खान के प्रबन्धतंत्र का उसे खदान पर्यवेक्षक पदनामित न करना न्यायोचित है ? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है और किन्हीं तारीख से ?”

[सं० 6/44/70-एल० आर० 2]

S.O. 92.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Goenka Kajora Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Goenka Kajora Colliery of Messrs Goenka Coal Company, Post Office Ukhra, District Burdwan was justified in stopping from work Sarvashri Nageswar Prasad and Satanalal Gope, Coal Cutting Machine Drivers and Dukhan Thakur, Coal Cutting Machine Mazdoor from the 17th April, 1970? If not, to what relief these workmen are entitled?"

[No. 6/41/70-LR.II.]

का० प्रा० 92.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में गोयन्का कजोरा कोयला खान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का योग करते हुये, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिये निर्देशित करती है ।

अनुसूची

"क्या मैसर्स गोयन्का कोल कम्पनी, डाकघर उखरा, जिला बर्दवान को गोयन्का कजोरा कोयला खान के प्रबन्धतंत्र का सर्वश्री नागेश्वर प्रसाद और सतन लाल गोप, कोयला कर्तन मशीन चालकों और दुखन ठाकुर कोयला कर्तन मशीन मजदूर को 17 अप्रैल, 1970 से काम पर रोकना न्यायोचित था ? यदि नहीं, तो वे कर्मकार किस अनुतोष के हकदार हैं "

[सं० 6/41/70-एल० आर०-2]

New Delhi, the 17th December 1970

S.O. 93.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bhulanbaree Colliery of Messrs Bhulanbaree Coal Company Limited, Post Office Pathordih District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 2) Dhanbad constituted under section 7A of the said Act.

SCHEDULE

"Having regard to the nature of job performed by the following workmen of Bhulanbaree Colliery of Messrs Bhulanbaree Coal Company

Limited, Post Office Patherdihi, District Dhanbad, whether the claim of the said workmen for Category IV as per the Central Coal Wage Board Recommendations is justified? If so, what relief are these workmen entitled and from what date?"

S. No. Name of the workmen

1. Sri Krishna Pada Mahate.
2. Sri Gondogol Digar.
3. Sri Dubraj Mahate.
4. Sri Panchanon Mahate.
5. Sri Umashankar Singh.
6. Sri Jhingur Tell.
7. Sri Mohan Teli.
8. Shri Seopujan Gope.
9. Sri Hukam Turi.
10. Sri Gopal Teli.
11. Sri Durjodhan Mahate.
12. Sri Haripada Bouri.

[No. 2/130/70-LRIL]

KARNAIL SINGH, Under Secy.

नई दिल्ली, 17 दिसम्बर, 1970

का० प्रा० 93—यतः केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मेसर्स भुलनबाड़ी कोल कंपनी लिमिटेड, डाकघर पाथेरडिह, जिला धनबाद की भुलनबाड़ी कोयलाखान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 2), धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“मेसर्स भुलनबाड़ी कोल कंपनी लिमिटेड, डाकघर पाथेरडिह, जिला धनबाद की भुलनबाड़ी कोयलाखान के निम्नलिखित कर्मकारों द्वारा किए जा रहे कार्य को ध्यान में रखते हुए, उक्त कर्मकारों का केन्द्रीय कोयला मजदूर बोर्ड की सिफारिशों के अनुसार प्रवर्ग 4 का दावा न्यायोचित है? यदि हां तो ये कर्मकार किस अनुसूची के हकदार हैं और किस तारीख से?”

क्रम संख्या **कर्मकार का नाम**

- 1 श्री कृष्ण पद महतो
- 2 श्री गोन्दोगल दिगार
- 3 श्री धुबराज महतो
- 4 श्री पंचानन महतो

क्रम संख्या कर्मकार का नाम

- 5 श्री उमाशंकर सिंह
- 6 श्री क्षिगुर तेली
- 7 श्री मोहर तेली
- 8 श्री शिवपुजन गोप
- 9 श्री हुकम तुरी
- 10 श्री गोपाल तेली
- 11 श्री दुर्जोधन महतो
- 12 श्री हरिपद बोरी

[सं० 2/130/70-एल० नार० 2]

करनेल सिंह, अवर सचिव ।

(Department of Labour and Employment)

New Delhi, the 23rd December 1970

S.O. 84.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the management of Messrs Sesa Goa (Private) Limited and their workmen which was received by the Central Government on the 1st December, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE No. GCIT-12 OF 1967

PARTIES:

Employers in relation to the management of Sesa Goa (Private) Ltd.,

AND

their workmen

PRESENT:

Shri A. T. Zambre—Presiding Officer.

APPEARANCES.

For the employers.—Shri P. K. Rele, Solicitor,

For the workmen.—Shri Madan Phadnis, Advocate instructed by Shri George Vaz, General Secretary, Goa Mining and Labour Welfare Union.

STATE: Union Territory of Goa.

INDUSTRY: Iron Ore Mining.

Bombay, dated 28th November, 1970

AWARD

The Government of India, Ministry of Labour Employment and Rehabilitation, Department of Labour and Employment, have by their order No. 24/10/67-LRI dated 16th May, 1967, referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the management of M/s. Sesa Goa (Private) Ltd., and their workmen in respect of the matters specified in the following schedule:—

SCHEDULE

1. Whether M/s. Sesa Goa (Private) Ltd., are justified in dismissing the services of Shri Avito D'souza working as an auto-mechanic in the Sircaim workshop with effect from 27th December, 1963?

2. If not, to what relief is he entitled?"

2. The Circumstances giving rise to this dispute and the reference may be stated in brief as follows:—

The employers M/s. Sesa Goa (Private) Ltd., are producers and exporters of iron ore and own an iron ore mine at Sircaim. The workman Shri Avito D'souza was in their employ since 1960 and was working as a motor mechanic at their Sircaim garage workshop which was in charge of one Shri A. Conzen who was the Superintendent responsible for the running and maintenance of the workshop. On the 26th November, 1963, the Police raided the house of the workman and found several automobile parts which were identified as belonging to the company. The police attached the parts and tools and arrested the workman and as the tools were identified to be belonging to the company proceeded against him in a criminal Court.

3. The workman remained absent from Duty from 27th November, 1963, without any intimation or authorization from the company. He was handling the tools in the workshop. They were missing and were found in his house and hence the company charge-sheeted him for the misconduct of theft and for his absence from work without permission and a departmental enquiry was held in which the enquiry Officer found him guilty of the two misconducts and the company dismissed him from service with effect from 27th December, 1963. On his dismissal the workman approached the Goa Mining Labour Welfare Union which by its letter dated 20th January, 1964, raised an industrial dispute. The Assistant Labour Commissioner (Central) Vasco-da-Gama held conciliation proceedings. As the criminal case against the workman was pending in the Court of the Judicial Magistrate both the parties agreed to close the case pending the decision by the Judicial Magistrate. First Class and it was agreed that the union should file a fresh dispute after the decision in the Criminal Court. The case was finally decided by the Sessions Court Goa, Panjim on 11th March, 1966. The Sessions Judge in the appeal set aside the sentence passed against Shri D'souza and acquitted him of the offence of theft. Thereafter the General Secretary of the Goa Mining Labour Welfare Union raised a dispute again. The A.L.C. (Central) Vasco-da-Gama held conciliation proceedings but the dispute could not be settled and hence after his failure report the dispute was referred to this Tribunal as stated above.

4. The union by its statement of claim has alleged that on the 26th November, 1963, on the false allegations made by the officer of the company the police officer attached the automobile parts and tools from the house of the workman Shri Avito D'souza and arrested him and kept him in custody upto 4th December, 1963. The workman was also ill and could not attend to duty. Accordingly he had informed the company about his inability. Regarding the charge of theft he has alleged that he did not commit any theft and had denied the offence levelled against him. He has contended that the articles attached from his house were given to him as a gift by his Kuwait employer and they belonged to him. He was also acquitted by the Sessions Judge and was quite innocent. But the domestic enquiry held by the company against him was not fair. The company had not followed the principles of natural justice. No opportunity was given to him to cross-examine the witnesses. The enquiry officer was biased. There was no independent evidence and the dismissal was the result of victimization and vindictive attitude as he was connected with trade union activities. The union has alleged that the dismissal is unjustified and the same should be set aside and he should be reinstated.

5. The company has by its written statement and rejoinder opposed the reference first on technical pleas that this was an individual dispute and it had not assumed the character of an industrial dispute. The employees of the company were not members of the union and the dispute has not also been sponsored by a substantial number of its employees. Regarding the merits the company had denied the allegations that it had filed a complaint against the workman to the police but he has contended that one person by name Bernado was found by the Police selling valuable parts of automobile in the Mapuca market and questioning him how he possessed the articles and getting information from him the Police took the workman into custody and went with him to the officer of the company and requested the officer to accompany him to the residence of the workman where the Police conducted a search and attached a large number of automobile parts and tools and finally prosecuted him in the Court of the Judicial Magistrate First Class. The employers have contended that the Judicial Magistrate First Class had in fact found the workman guilty of the offence of misconduct of theft of the company's property but the workman was acquitted in appeal by the Sessions

court on technical considerations and irregularity in the procedure. The enquiry was quite fair. The workman had taken part in the enquiry. Every opportunity was given to him. There was independent evidence before the enquiry officer. He found him guilty of the two charges and the order of dismissal was justified.

6. In support of their contention the union has examined its General Secretary and has produced some documents to show that the company had dismissed some persons in the year 1962 when there was a strike. The union has also examined the workman Shri Avito D'Souza and his wife Mrs. Magdalene D'Souza. The company has examined the enquiry officer Shri Naik and has also produced the papers of the enquiry and I shall first discuss the technical pleas.

7. The union's General Secretary Shri Vaz has stated that he came to Goa after liberation and was approached by the workers of Sesa Goa and requested to form a union. He held a meeting and an *ad hoc* committee was formed. He himself was the President. He has further stated in June, or July, 1962, the workers had made demands to the company for waiting charges. There was a strike and demonstrations and the workers were threatened by the company with dismissal and actually some of them were dismissed. He was arrested at the time of Chinese aggression and when he came back he learned that the workman Shri Avito D'Souza was under arrest and so he had gone to the Mapusa Police Station to make enquiries, and after the dismissal he had raised an industrial dispute in 1964 and at that time Shri Naik had attended the conciliation on behalf of the company.

8. The evidence of the General Secretary Shri Vaz clearly prove that the employees of the company were the members of the Goa Mining Labour Welfare Union and he has raised the dispute and I do not find any substance in the contention that the employees of the company were not the members of the Union. It is true that the union has not produced the resolution by which the dispute was sponsored. However, it is clear from the failure report and other documents received along with the order of reference that the employers had not raised any contention before the Conciliation Officer that the dispute was not raised properly by the union. While stating the facts I have already mentioned that Police had filed a complaint against the workman before the Judicial Magistrate First Class and at the time of the conciliation both the parties agreed to close the case. The papers which were sent along with the reference order contain the copy of the agreement about closing the case. This agreement shows that Shri Naik the management witness who was the Labour Officer of the company was representing the company and the union was represented by Shri Vaz. According to the terms of the settlement the union had agreed not to press the demand and was free to take up the dispute as a fresh one afterwards. The very fact that the company had signed the agreement with the union shows that they had accepted the position of the union as the representative union of the workers. The dispute regarding the dismissal of the workman was raised by the union. It is an industrial dispute and this Tribunal shall have jurisdiction to deal with it.

9. The learned Counsel Shri Madan Phadnis for the union has argued that because the workman had taken part in the strike and demonstrations in the year 1962 he was threatened and his dismissal is the result of the vindictive attitude of the company as he was taking part in the union activities. It has been further contended that the company had filed a complaint against the workman and had victimized him. However, considering the enquiry papers and the statement of the workman himself I do not find any substance in this contention. The workman who has been examined has admitted the correctness of his statement before the enquiry officer except two sentences and it is clear from his statement that the company had not initiated the criminal proceedings against him. He has stated:—

"Q. Did the police come to your place on the 26th November at night?

As. Yes. One police, and one boy, by name Barnnad to my place.

Q. What happened afterwards?

As. They told me to come to the police station. Accordingly I went with them. There the police inspector showed me a list containing some automobile parts and asked me if I had given them to Barnnad to sell to which I admitted. Then they took me to Tivim and picked M/s. Conzen and Altrus Meyer, Officials of the company and all went to my place then police searched my house and removed all the spare automobile parts lying in my house."

This statement of the workman clearly supports the company's case that the workman was arrested on the basis of the statement of one person Barnad to whom he had given the articles for disposal and the present version that the company had filed a criminal complaint against him cannot be accepted.

10. The learned Counsel has further argued that the enquiry held against the workman was not fair. He was not given an opportunity and the management has violated the principles of natural justice. It is clear from the record that the charge-sheet dated 6th December, 1963 was issued to the Workman. The charge-sheet clearly stated that while his house was raided by the police he was found in possession of the materials belonging to the company and further that he had absented himself from duty without any intimation. He had also given an explanation and afterwards an enquiry was held against him on the 14th December, 1963. He was to attend the enquiry at 10 A.M. but as he did not come the enquiry officer examined the company's witness Shri Conzen and recorded his statement. The workman went to the enquiry officer at about 11.30 a.m. when the company's witnesses had left. The workman requested the enquiry officer to allow him to take part in the enquiry. Thereupon the enquiry officer explained to him that the examination of the company's witness was over and he had left and it would not be possible to call him back immediately. But the workman requested him that he should be examined alone and his evidence should be recorded and thereupon the enquiry officer examined him. The enquiry officer had specifically asked him whether he wanted to cross-examine the company's witness to which the workman had stated that he did not want to cross-examine Shri Conzen and there is no substance in the Union's contention that the workman was not given an opportunity to cross-examine the witness.

11. Regarding the contention that there was no evidence before Enquiry Officer. I have already stated that the workman has admitted before me that his statement except two sentences is correct. He has stated:—

"The enquiry before Shri Naik was fixed at 10 a.m. It is correct to say that I attended the enquiry office and went to him at about 11-30 a.m. I did not meet the Enquiry Officer on that day before 11-30 a.m. After I saw the Enquiry Officer he told me that the statement of Shri Conzen was recorded and he had left.

* * * * *

The Enquiry Officer recorded my statement. He asked me certain questions. My whole statement before the Enquiry Officer is read out now, there are two sentences which are in correctly recorded."

Shri Conzen has stated before the Enquiry Officer that he saw many automobile spare parts at the residence of the accused:

"I saw many automobile spare parts and identified them as belonging to the company and told the police accordingly."

It has also come in evidence that the company prepared every year a list of missing tools of the workshop and Shri Conzen has produced the list before the enquiry officer. The list included many articles which were shown under tick mark as missing and they are found in the house of D'Souza. He has further stated that the Mechanical Jack (Faun) and Oil Jack Cima were possessed only by the company. He was not cross-examined. The enquiry officer had believed his evidence and the contention now raised that there was no evidence before the enquiry officer is not well founded.

12. It was further contended that though the Judicial Magistrate, First Class had convicted the workman of the offence of theft of the tools the Sessions Court had acquitted him and this proved that he had not committed the theft. I do not think that the acquittal of the workman will come in the way of the management or will entitle the workman to get the result of the findings of the domestic enquiry set aside. The management has produced the copies of the judgment of the Judicial Magistrate and also a copy of the judgment of the Appellate Court and it is clear that the Sessions Judge has acquitted the workman on technical grounds. It appears that before the trial Magistrate one prosecution witness was examined after the defence statement of the accused and the prosecution had closed its case. The learned Judge has observed:—

"The examination of this prosecution witness after the written statement of the appellate was filed which statement appears to have been made in lieu of the examination of the appellant under Section 342 of the Criminal Procedure Code and after all the defence witnesses have been examined must have prejudiced the appellant and more

so because the appellant was not examined under section 342 of the Criminal Procedure Code."

The Judicial Magistrate had held that the mechanical jack was proved to be belonging to the Sesa Goa Private Ltd., because of the list of machine tools etc., but according to the Appellate Court the list were not proved. The learned Judge has observed:—

"Coming to the point (b) of paragraph 9 namely that the mechanical jack was found missing by Sesa Goa it appears that the fact was considered as proved by the learned Magistrate because of certain lists missing tools of Sesa Goa. The lists have not been duly proved and probably it is for that reason the learned Magistrate placed them in file 2"

In the result the learned Session Judge observed that the prosecution had failed to prove beyond reasonable doubt that the appellant had committed the offence. Thus it is clear that the appellant was acquitted because of benefit of doubt and the circumstance that the workman was acquitted in the appellate Court will not be sufficient to prove that findings of the enquiry officer are perverse. Shri Rele the learned Counsel on behalf of the management has argued that in a domestic enquiry the tribunal has to see only if a *prima facie* case has been made out. The standard of proof in a domestic enquiry is not the same as in a criminal trial. The learned Counsel has relied upon the ruling reported in 1959, 11 LLJ, page 245—Balipura Tea Estate—in which it has been observed that a tribunal could not insist upon conclusive proof of guilt. The learned Counsel has also invited my attention to the ruling reported in 1970, 1 LLJ, 718 in which it has been observed:

"The judgement of a criminal Court acquitting an accused on the merits of a case would not bar disciplinary proceedings against him on the basis of the same facts. The reason is that the criminal Court required a high standard of proof for convicting the accused. Such a standard of proof is not required in disciplinary proceedings."

These observations clearly support the management. It cannot be ignored that the purpose of the domestic enquiry is quite different from that of a criminal trial and merely because the workman is acquitted the decision of the domestic enquiry cannot be set aside.

14. Shri Madah Phadnis on behalf of the union has further argued that the management knew that the criminal case for the offence of theft of the company's property was pending before the Magistrate and it was not proper on their part to hold the enquiry, and the enquiry ought to have been stayed and the management ought to have waited till the result of the criminal case. The learned Counsel has relied upon the ruling reported in 1960 1 LLJ page 520 Delhi Cloth and General v. Kushal Bhan Mills and 1964 11 LLJ 113 (Tata Oil Mills Company Ltd., and its workmen by the Tata Oil Mills Workers' Union, Ernakulam & another). In the second ruling their Lordships have quoted the observations in their first ruling and observed:—

"As held in Delhi Cloth and General Mills Ltd. V. Kushal Bhan (1960 1 LLJ 520) it is desirable that if the incident giving rise to a charge framed against a workman in a domestic enquiry is being tried in a criminal court the employer should stay the domestic enquiry pending the final disposal of the criminal case. It would be particularly appropriate to adopt such a course where the charge against the workman is of a grave character because in such a case it would be unfair to compel the workman to disclose the defence which he may take before the criminal court. But to say that domestic enquiries may be stayed pending criminal trial is very different from saying that if an employer proceeds with the domestic enquiry in spite of the fact that the criminal trial is pending the enquiry for that reason alone is vitiated and the conclusion reached in such an enquiry is either bad in law or *mala fide*."

I do not think that this ruling will help the union. The workman was charged for the offence of theft. Admittedly he was in possession of the property. The defence of the workman was that the property belonged to him. There is no question of the defence of the workman being prejudiced and the enquiry being vitiated and the order of dismissal being bad on that account.

15. Shri Phadnis on behalf of the union has further argued that the workman was also charged for the misconduct of a absenting himself from duty without intimation and authorization from the management. The company had no standing orders nor were there any service rules and under the circumstances remaining absent without authorization was not misconduct and the workman could not have been charged for his absence and the order is illegal.

16. The incident took place in the month of November, 1963. Shri Naik the company's witness has stated that the Standing Orders Act was made applicable to Goa in the year 1964 and the management had sent a draft of standing orders for approval and certification of the certifying officer and it shall have to be accepted that there were no standing orders at the time when the enquiry was held. However, I do not think that this circumstance will render the order of dismissal illegal. The workman was arrested by the Police and remained absent. The management had not suspended him and it was expected of him as per his service contract to attend to duty during the period of service. It is not in dispute that the workman had remained absent from 27th November, 1963 till he was dismissed. It is true that the police had arrested him on the 27th November, 1963 but it has come in evidence that he was released on the 4th December, 1963 and he ought to have made an application for leave if there was any valid reason. His absent after release on bail has not been explained by him. The Enquiry Officer has disbelieved his story that he was unwell and the circumstances indicate that the workman did not report for duty because of the incident.

17. The learned Counsel has invited my attention to the ruling reported in 1963 II LLJ page 638 (Buckingham and Carnatic Co. Ltd., and Venkatayya and another) in which the following observations have been made:—

"It is true that under common law the inference that an employee has abandoned or relinquished service is not easily drawn unless from the length of absence and from other surrounding circumstances an inference to that effect can be legitimately drawn and it can be assumed that the employee intended to abandon service. Abandonment or relinquishment of service is always a question of intention, and normally such an intention cannot be attributed to an employee without adequate evidence in that behalf. But where parties agree upon the terms and conditions of service and they are included in certified standing orders the doctrines of common law and considerations of equity would not be relevant. It is then a matter of construing the relevant terms itself. Hence under the first part of the relevant standing order an employee remaining absent for eight consecutive days without leave shall be deemed to have terminated his contract of service and thus relinquished or abandoned his employment."

18. I do not think that this ruling requires a written standing order for treating absence on duty as a misconduct. The ruling merely says that when there is a standing order it is not necessary to decide the intention of the employee whether he has abandoned service or not and then it is only a question of the construction of the standing order. The learned Counsel has not shown me any ruling that without a written standing order absence from duty cannot be treated as misconduct. In my opinion any conduct or any act of the employee which renders him unfit for the employment or shows his bad conduct will be misconduct. It is the duty of every employee to attend regularly to his work and if a person does not attend to his work it is a dereliction of duty. It is a bad conduct and this action in not attending duty can be treated as misconduct.

19. The evidence clearly shows that the management had held a proper enquiry. Every opportunity was given to the workman to meet the case. There is no violation of the principles of natural justice nor is there any victimization or *mala fides*. There is no ground to interfere with the order and the employers are justified in dismissing the workman and he is not entitled to any relief. Hence my award accordingly.

No order as to costs.

(Sd.) A. T. ZAMBRE,
Presiding Officer,
Central Government Industrial Tribunal,
Bombay.
[No. 24/10/67-LR-I (LR-IV).]
P. C. MITS

(Department of Labour and Employment)*New Delhi, the 24th December 1970*

S.O. 95.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (47 of 1947), Central Government hereby publishes the following award of the Industrial Tribunal, Madras, in the industrial dispute between the employers in relation to the Management of Messrs P. Devarajooloo Naidu & Son, Madras-1 and their workmen, which was received by the Central Government on the 15th December, 1970.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS*Wednesday, the 2nd day of December, 1970***PRESENT:**

Thiru S. Swamikkannu, B. Sc., M.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 2 OF 1970

(In the matter of the dispute for adjudication u/s 10(1)(d) of the Industrial Disputes Act, 1947, between the workmen and the management of M/s. P. Devarajooloo Naidu & Son, Madras).

BETWEEN:

The President. P. Devarajooloo Naidu & Son, Employees Union, No. 11, Philips Street, Madras-1.

AND

M/s. P. Devarajooloo Naidu & Son, No. 24, North Beach Road, Madras-1.

REFERENCE

Order No. 29/60/69-Fac. II, dated 22nd, December, 1969 of the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), Government of India, New Delhi.

This dispute coming on this day for final disposal upon perusing the reference, Claim and Counter Statements and all other material papers on record and upon hearing the arguments of Thiruvallargal, B. R. Dolia and A. L. Somayaji, Advocates appearing for the union and of Thiruvallargal M. R. Narayanswamy and R. Sampathkumar, Advocates appearing for the Management and the parties having filed a joint memorandum of settlement and this Tribunal recording the same, made the following.

AWARD

This is an industrial dispute between the employers in relation to the Management of M/s. Devarajooloo Naidu & Son, Madras-1 and their workmen referred in Order of Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) New Delhi, dated 22-12-1969 in respect of the matters specified in the Schedule hereunder:

- "1. Whether the management of M/s. P. Devarajooloo Naidu & Son, Madras-1 are paying Dearness Allowance to the monthly paid office staff employed by them according to the recommendations of the Wage Board appointed under Government of India's Resolution No. W.B.-21(4)/64 dated 13th November 1964 and if not what is the relief to which the workers are entitled and from which date?
 2. Is the existing structure regarding designation and classification of the monthly paid staff by the Management of M/s. P. Devarajooloo Naidu & Son, Madras-1 satisfactory? If not, what should be the proper designation and classification and from which date should it be effective?
 3. What should be the seniority of the monthly paid staff employed by M/s. P. Devarajooloo Naidu & Son, Madras-1 and from which date should the seniority take effect.
 4. Whether the management of M/s. P. Devarajooloo Naidu & Son, Madras-1 are justified in paying bonus for the years 1966-67 and 1968 at the rate of 4 per cent to its employee? If not, what should be the quantum of bonus and from which date should it be paid?
 5. Whether the management are justified in paying only 6½ per cent as Provident Fund Contribution to their staff? If not, what should be the rate of contribution?"
2. The claimant union filed a Claim Statement on 14th February 1970 putting forth its case.
3. The respondent management filed their counter statement denying the allegations in the dispute, on 5th March 1970.

4. Both the parties to the dispute are present, Memorandum of settlement filed. It is recorded so far as it relates to the subject matter of the reference. An award is passed in terms of settlement. The terms of settlement will form part of the award.

(Sd.) S. SWAMIKKANNU,
Industrial Tribunal.

Memorandum of Settlement

Memorandum of settlement entered into between the Workmen of Messrs. P. Devarajooloo Naidu & Son reported by the President P. D. N. & Son Employees Union and the Management of P. Devarajooloo Naidu & Son dated 30th November 1970.

The workmen represented by—S. M. Narayanan, President, P.D.N. & Son Employees' Union.

The management represented by—P. Gopalarathnam, Partner, M/s. P. Devarajooloo Naidu & Son, Madras.

Whereas the parties above named had discussions and negotiations on 24-8-1970 in regard to disputes between the two and whereas certain of the said items of disputes are matters pending adjudication before the (Central Government) Industrial Tribunal Madras in I. D. 2 of 1970 and whereas the parties have met and agreed and arrived at conclusion regarding the demands which are in dispute.

Now this settlement witnesseth as follows:—

1. The management agrees to pay dearness allowance as claimed by the workmen in I.D. No. 2 of 1970 in accordance with the Wage Board Recommendations with effect from 1-10-1964, to all their workmen excepting the following workmen whose claim for the Central Wage Board Recommendations has been referred to an arbitrator.

1. Appavoo.
2. Admoolam
3. Balaram.
4. Velu.
5. Vellai.

2. The management agrees to contribute provident fund at the rate of 8-1/3 per cent in case of all the workmen with effect from 1-9-1970.

3. It is agreed between the parties that the designation of employees now existing should continue as per Annexure I, and the management agrees to reckon the seniority of the employees as per the list attached hereto as Annexure II. The seniority for the purpose of promotion and other benefits will be reckoned on the basis of the number of years of service put in by each employee in a particular category and for purposes of retrenchment in case effected at a future date, the entire service put in the organisation by each Dock Supervisor and Dock Clerk should be taken into consideration even as envisaged under section 25 F. read with 25 G. of the Industrial Disputes Act irrespective of the category in which the Dock Supervisor or Dock Clerk was engaged.

4. The management agrees to pay bonus from the calendar years 1965 to 1969 at the rate of 4 per cent and for the year 1970 at the rate of 17 and a half per cent. The Management further agrees to pay bonus to Sri Vellai at the same rate at which other workmen are paid bonus for all the years for which he was not paid bonus.

5. The Management agrees to grant one increment to the following persons from January 1970:

1. P. A. Jotheeswaran,
2. N. K. Ethirajulu,
3. S. B. Ramachandran,
4. R. Ramanathappa,
5. T. C. Narayanan,
6. P. S. Vinayagam,
7. N. R. Krishnamurthy.

The management agrees and assures that the salary of the workmen will be disbursed on the 5th working day or on or before seventh date of every month.

(Sd.) P. GOPALARATHNAM,

President

P. D. N. & Son Employees' Union.

Partner,

P. Devarajooloo Naidu & Son.

ANNEXURE I

S. No.	Name	Designation
1	Sri N. Muthuswamy	Ship Chandling Clerk
2	Sri N. K. Ethirujulu	Deck Supervisor
3	Sri K. R. Varadarajulu	Dock Clerk
4	Sri P. A. Jothceswaran	Dock Supervisor
5	Sri T. J. Chitti Babu	Labour Indenting Clerk
6	Sri R. Ramanathappa	Dock Clerk
7	Sri A. Ramakrishnan	Dock Supervisor
8	Sri S. B. Ramachandran	Dock clerk
9	Sri R. Thanickachalam	Dock Supervisor
10	Sri S. Sriramulu	Labour Indenting Clerk
11	Sri T. Nagarajulu	Customs Supervisor
12	Sri K. Veeraraghavan	Dock Clerk
13	Sri R. Venkat Rao	Dock Supervisor
14	Sri T. C. Narayanan	Office Clerk
15	Sri N. Ramamurthy	Dock Clerk
16	Sri J. Rajarathnam	Gear Foremen
17	Sri K. Thangavelu	Dock Supervisor
18	Sri R. Victor	Dock Supervisor
19	Sri D. Balakrishnan	Gear Foremen
20	Sri N. R. Krishnamurthy	Dock Supervisor
21	Sri K. L. Subramani	Labour Indenting Clerk
22	Sri P. S. Vinayagam	Dock Clerk
23	Sri S. Subramani	Dock Supervisor
24	Sri P. Jayaram	Crew Clerk
25	Sri A. Appavoo	Mazdoor
26	Sri T. Adimoolam	Mazdoor
27	Sri P. V. Balaram	Mazdoor
28	Sri R. Velu	Mazdoor
29	Sri Vellai	Mazdoor
30	Sri P. Thiruvengadam	Assistant Cashier
31	Sri D. Christopher	Typist
32	Sri M. K. Krishna Doss	Steno-typist
33	Sri K. Munuswami	Office boy

ANNEXURE II

S. No.	Name	Date of promotion	Date of Appointment
<i>I. Dock Supervisors</i>			
1	Sri A. Ramakrishnan	..	October 1952
2	Sri R. Venkat Rao	..	3-2-1956
3	Sri K. Thangavelu	..	1-4-1958
4	Sri R. Thanickachalam	June, 1966	April 1954
5	Sri R. Victor	June, 1966	1-4-1958
6	Sri N. R. Krishnamurthy	1-11-1969	23-5-1958
7	Sri S. Subramaniam	..	1-11-1969
8	Sri P.A. Jothceswaran	16-1-1970	3-3-1950
9	Sri N. K. Ethirajulu	20-2-1970	5-6-1946
<i>II. Dock Clerks :</i>			
1	Sri N. Ramamurthi	..	16-9-1957
2	Sri K. Veeraraghavan	June, 1965	18-8-1955
3	Sri K. R. Varadaraj	1-7-1969	5-3-1948
4	Sri R. Ramapathappa	16-1-1970	5-1-1952
5	Sri S. B. Ramachandran	16-1-1970	3-10-1953
6	Sri P.S. Vinayagam	16-1-1970	16-3-1967

S. No.	Name	Date of promotion	Date of Appointment
III. <i>Labour Indenting Clerks</i>			
1	Sri T. J. Chitti Babu	Jan. 1966	1-8-1951
2	Sri S. Sri Ramulu	Jan. 1966	1-12-1954
3	Sri K. L. Subramani	Jan. 1966	1-11-1962
IV. <i>Customs Supervisors :</i>			
1.	Sri T. Nagarajulu	1-11-1969	October, 1955
V. <i>Ship Chandling Clerks :</i>			
1.	Sri N. Muthuswamy . . . . .	..	July 1942
VI. <i>Crew Clerks :</i>			
1.	Sri P. Jayaram . . . . .	..	Sept. 1960
VII. <i>Gear Foreman :</i>			
1.	Sri J. Rajarathnam . . . . .	..	19-7-1948
2.	Sri D. Balakrishnan . . . . .	..	22-5-1958
VIII. <i>Office Clerks :</i>			
1.	Sri T. C. Narayanan . . . . .	..	October, 1957
IX. <i>Assistant Cashier :</i>			
1.	Sri P. Thiruvengadam . . . . .	..	June, 1951
X. <i>Steno-Typists :</i>			
1.	Sri M. K. Krishna Doss . . . . .	..	June, 1965
XI. <i>Typist :</i>			
1.	Sri D. Christopher . . . . .	..	February 1953
XII. <i>Office Boys :</i>			
1.	Sri K. Munuswami . . . . .	..	1-5-1970
XIII. <i>Maxdoors :</i>			
1.	Sri Appavoo . . . . .	..	1944
2.	Sri Adimoolam . . . . .	..	1944
3.	Sri Balaraman . . . . .	..	1949
4.	Sri Velu . . . . .	..	1949
5.	Sri Vellai . . . . .	..	1958

Witness Examined for both sides . None

Documents marked for both sides . Nil.

ORDER

New Delhi, the 15th December 1970

S.O. 96.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bombay Port Trust, Bombay and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

“Whether the action of the management of the Bombay Port Trust, Bombay, in removing from service Shri V. D. Gholkar, Clerk ‘A’ scale with effect from the afternoon of the 6th September, 1969, was justified? If not, to what relief the workman is entitled?”

[No. 73/10/70-P&D.]

AJIT CHANDRA, Under Secy.

(अन और रोजगार विभाग)

आदेश

नई दिल्ली, 25 दिसम्बर, 1970

का० आ० 96 यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मुम्बई पत्तन न्यास, मुम्बई के प्रबन्धतंत्र से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है।

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना वांछनीय समझती है।

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई को न्यायनिर्णयन के लिए निर्दिष्ट करती है।

अनुसूची

“क्या मुम्बई पत्तन न्यास मुम्बई के प्रबन्धतंत्र की श्री बी० डी० धोलकर लिपिक ‘ए’ धेतनमान को 6 सितम्बर, 1969 के अपराह्न से सेवा से हटाने की कार्यवाही न्यायोचित थी? यदि नहीं तो कर्मकार किस अनुतोष का हकदार है?”

[सं० 73/10/70-पी० एण्ड डी०]

अजीत चन्द्र,
अवर सचिव।

(श्रम और रोजगार विभाग)

नई दिल्ली, 19 मई, 1969

का० आ० 1917 — न्यूनतम मजदूरी अधिनियम 1948 (1948 का 11) की धारा 5 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और उक्त अधिनियम की धारा 5 की उपधारा (1) के खण्ड (क) के अधीन गठित समिति की सलाह पर विचार करने के पश्चात् केन्द्रीय सरकार एतद्वारा, इससे उपाबद्ध अनुसूची के स्तम्भ 2 की प्रविष्टियों में यथा विनिर्दिष्ट संदेय मजदूरी की न्यूनतम दर कर्मचारियों के उन प्रवर्गों के लिए नियत करती है जो (i) सड़कों के संनिर्माण या उनके अनुरक्षण ; या भवननिर्माण के काम में ; (ii) पत्थर ढोने या पत्थर का चूरा करने में ; (iii) भवनों के अनुरक्षण में ; और (iv) धावन-पथ के संनिर्माण और अनुरक्षण में के नियोजनों में नियोजित हूँ जसा कि उक्त अनुसूची के स्तम्भ 1 की तत्सम्बन्धी प्रविष्टियों में विनिर्दिष्ट है, और निदेश देती है कि यह अधिसूचना 19 मई, 1968 को प्रवृत्त होगी ।

अनुसूची

काम का प्रवर्ग	सब मिलाकर प्रति दिन मजदूरी की न्यूनतम दर				
	क्षेत्र ए०	क्षेत्र बी० 1	क्षेत्र बी० 2	क्षेत्र सी०	क्षेत्र डी०
1	2				
प्रकुशल :	र० पै० 1	र० पै० 1	र० पै० 1	र० पै० 1	र० पै० 1
(1) बजरी बिछाने वाला, (2) बेलदार (व्यस्थ पुरुष/आदमी ; वयस्थ महिला / स्त्री ; 12 वर्ष से ऊपर के कुमार । लड़के ; लड़कियां ; बच्चे) ; (3) गेंती वाली, (4) धौकनी वाला, (5) जरीब वाला, (6) नाविक, (7) बाल्टी वाला, (8) (पत्थर) ढोने वाला, (9) (पानी) ढोने वाला, (10) गाड़ी वाला, (11) अभिक्षक (पुल), (12) क्लीनर (क्रेन ट्रेक ; राख के गढ़े के लिए सिण्डर), (13) चौकीदार (14) कैंफ्रीट (हस्त मिश्रक), (15) दफादार, (16) चालक (बैल ; ऊंट ; गधे ; खच्चर), (17) झंडी वाला, (18) झंडी वाला (बलास्ट ट्रेन), (19) दरबान, (20) गेंग मैन, (21) गेंग मैन (रेल पथ), (22) हैडल मैन, (23) जम्पर मैन, (24) कामिन (महिला काम), (25) खलासी, (26) खलासी (आदमी / पुरुष ; स्त्री / महिला ; लड़के / लड़कियां ; 1/11, पुल ; बिजली ; जहाजी ; मोपला ; तट ; भण्डार ; भाप का सड़क इंजन, सर्वेक्षण)	र० पै० 1	र० पै० 1	र० पै० 1	र० पै० 1	र० पै० 1

(1)

(2)

र० पै० र० पै० र० पै० र० पै० र० पै०

(27) श्रमिक (उद्घाटन), (28) बत्ती वाला, (29) माली, (30) मजदूर, (31) मजदूर (वयस्थ पुरुष / आदमी ; वयस्थ महिला / स्त्री) (32) मजदूर (12 वर्ष की आयु से ऊपर के कुमार / लड़के ; लड़कियाँ ; बच्चे ; लौरी ; प्रशिक्षित) (33) पेट्रोल वाला (34) खपरासी (35) तलाश करने वाला, (36) सिगनल मैन, (37) स्ट्राइकर (38) झाड़ूकश (40) टाटी बाय, (41) टाइल टर्नर, (42) ट्रोली वाला, (43) बाल्य नियंत्रक, (44) बाल्य मैन, (45) पहरेदार (46) पानी वाला, (47) सफेदी करने वाला (48) लकड़ी वाला, (49) लकड़ी वाली (50) बोरी मैन, (51) कोयले वाला, (52) कंडेन्सस थ्रटेडेन्स, (53) घास काटने वाला, (54) मुकर्स जमादार, (55) स्लिंजर, (56) शंटर, (57) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो अकुशल किस्म के हैं

3.50 3.20 2.90 2.60 2.40

अकुशल । अकुशल पर्यवेक्षकीय :

(1) बेलचा वाला, (2) भिस्ती, (3) भिस्ती (भसक के साथ), (4) नाविक (प्रधान), (5) ब्रेकर, (6) ब्रेकर (चट्टान ; चट्टानी पत्थर ; स्टोन मेटल, पत्थर), (7) बेंत की बुनाई करने वाला (8) जरीब वाला (प्रधान) (9) चारपाई बुनने वाला, (10) चौकर, (11) चौकीदार (प्रधान) (12) क्रेकर (13) दपत्तरी, (14) डोली वाला, (15) बरमा वाला, (16) बरमा वाला छेद ; चट्टान), (17) झाड़वर (स्किन), (18) उत्खनक, (19) फीरोमैन, (20) फायर मैन, (21) फायरमैन (ईंट भट्टा ; भाप का सड़क इंजन), (22) द्वारा-भाल (23) धारमी (छप्पर छाने वाला) (24) ग्लास मैन, (25) ग्रास देने वाला, (26) ग्रास देने वाला एवं फायर मैन, (27) ग्रीण्डर, (28) हथोड़े वाला, (29) मददगार (कारीगर),

(1)

(2)

रु० पै० रु० पै० रु० पै० रु० पै० रु० पै०

(30) मददगार (आराकश), (31) जमा-
दार, (32) चाबीवाला, (33) खलासी प्रधान
सर्वेक्षण ; रिबेटर-मोपला गग ; सर्वेक्षक),
(34) श्रमिक (चट्टान काटने वाला) (35)
लसकर, (36) माली (प्रधान), (37) मेट
(38) मेट (लहार ; सड़क ; बड़ाई ; इंजन
ब्राइवर और / या फीडर ; फिटर ; गैंग ;
खलासी ; मजदूर राज ; रेल पथ ; पम्प-
ब्राइवर ; टर्नर), (39) मजदूर (भारी-
वजन ; चार्ज मैन ; मिस्त्री ; प्रधान), (40)
मुकदम (41) रात वाला गार्ड, (42) तेल
वाला, (43) खदानकार, (44) खदान-
प्रचालक, (45) हरकारा (डाक), (48)
भण्डारक, (47) स्टाकर, (48) स्टाकर
(और बायलर मैन), (49) छप्पर छाने वाला ;
(50) धूम्रवा मैन (फावड़ा कमकार), (51)
टिडल (52) ट्रौली वाला (प्रधान ; मोटर)
(53) फिटर (सहायक ; अर्धकुशल), (54)
जमादार (अर्धकुशल) (55) मेट (भंडार)
(56) पम्प परिचर, (57) बियरर, (58)
ब्रेकमैन, (59) सख्त वाला, (60) डांडी रसोइया
(61) डांडी (62) फराश, (63) लोहा-आरी
वाला, (64) मददगार (रेल इंजन/ट्रैन/ट्रक,
(65) कासाब, (66) खलासी (संरचना) (67)
प्रयोगशाला-बाय, (68) मांझी (नाविक)
(69) मशाल्ची, (70) पी० एम० मेट,
(71) पेट मैन, (72) सीकम्मी, (73)
तोपाज, (74) तोपकार (बड़े पत्थर पोड़ने
वाला), (75) ट्रौली जमादार (76) बिच-
वाला, (77) किसी भी नाम से कहलाने वाले
अन्य प्रवर्ग जो अर्धकुशल किस्म के हैं

4.70 4.30 3.90 3.50 3.20

कुशल

(1) सहायक मिस्त्री, (2) आर्मेचर बांधने
वाला ग्रेड II और III, (3) भंडारी (4)
लुहार, (5) लुहार (प्रवरण ग्रेड ; ग्रेड II, III ;
श्रेणी II और III ; प्रधान), (6) बायलर

(1)

(2)

मैन, (7) बायलर मैन (ग्रेड II और III),
 (8) बायलर फोरमैन ग्रेड II, (9) भण्डारी
 (10) थवाईगर, (11) थवाईगर (प्रवरण
 ग्रेड ; श्रेणी II), (12) उत्स्फोटक, (13)
 बड़ाई, (14) बड़ाई (प्रवरण ग्रेड ; ग्रेड II
 और III; श्रेणी I और III; सहायक; बी०
 आई० एम० रोड), (15) पैटीकार, (16)
 केन मैन, (17) सैलोटैक्स कटर बनाने वाला,
 (18) चार्ज मैन श्रेणी II और III, (19)
 बड़ाई (सामान्य, (20) चैकर (कनिष्ठ),
 (21) चिक बनाने वाला (22)
 चिक वाला, (23) कंकरीट मिश्रण मिश्रक,
 (24) कंकरीट मिश्रक प्रचालक, (25)
 मोची, (26) गल्ली-निर्माता, (27) चालक,
 (28) चालक (मोटर ; वाहन ; मोटर
 वाहन प्रवरण ग्रेड ; मोटर लारी; मोटर लारी
 ग्रेड II : लारी; लारी ग्रेड II; डीजल इंजन;
 डीजल इंजन ग्रेड II; मशीनी मिश्रक; सड़क
 इंजन आई० सी० और सीमेन्ट मिश्रक आदि ;
 सड़क इंजन), (29) सड़क इंजन चालक ग्रेड
 II, (30) चालक (स्थिर इंजन; पत्थर
 दलित ट्रैक्टर बुलडोजर ; भाप का सड़क
 इंजन ; मशीनी पानी—पम्प ; सहायक
 सड़क इंजन ; मशीनी ; भाप केन ; बुलडोजर
 मैकेनिकल ट्रांसपोर्ट के साथ ट्रैक्टर ; इंजन ;
 स्थिर और सड़क इंजन ; वायलर परिचर ;
 इंजन), (31) प्रचालक (मशीनी पत्थर दलित)
 (32) डिस्टेंपर (33) बिजली मिस्त्री (34)
 बिजली मिस्त्री (ग्रेड-II) श्रेणी II श्रेणी III
 (35) फिटर, (36) फिटर (प्रवरण ग्रेड;
 ग्रेड-II; III; श्रेणी II; III; सहायक;
 पाइप ; पाइप श्रेणी II; पाइप लाइन ;
 प्रबलीकरण के लिए नमन छड़ ; एवं - मैकेनिक
 मैकेनिक ; और स्लम्बर), (37) धारमी
 (प्रधान), (38) शीशागर (39) उत्स्फोटक
 के लिए छेव वेधक, (40) जायनर (41)
 जायनर (केबल; ग्रेड II), (42) लाइन

(1)

(2)

मैन (ग्रेड II; III; एचटी/एल टी) (43)
 राज मिस्त्री, (44) राज मिस्त्री (प्रवरण ग्रेड;
 ग्रेड II और III; श्रेणी II और III; श्रेणी
 बी मिस्त्री; पत्थर श्रेणी II; ईट का काम ;
 पत्थर का काम; थवाई; टाइल फश बंदी; बी०
 टी० एम० ; मुकदम ; प्रधान ; पत्थर ;
 पत्थर कटाई ; सामान्य), (45) मशीन वाला
 (46) मैकेनिक (47) मैकेनिक (श्रेणी
 II; वातानुकूल; वातानुकूल ग्रेड II; डीजल
 ग्रेड II ; सड़क इंजन ग्रेड II; सहायक;
 रेडियो) (48) राज मिस्त्री (धार्मी) (49)
 मिस्त्री, (50) मिस्त्री (ग्रेड II ; वातानुकूल
 ग्रेड II ; पी० वे ; सर्वेक्षण ; सन्तरास ;
 निर्माण (51) राज मिस्त्री श्रेणी ए (52) सांचे
 वाला (63) सांचे वाला (ईट; टाइल)
 (54) पेन्टर (55) पेन्टर (प्रवरण ग्रेड;
 ग्रेड II और III; श्रेणी II; सहायक; लाटर
 और पालिशगर ; पालिशगर ; मोटा झोटा),
 (56) प्लास्टर करने वाला, (57) प्लास्टर
 करते वाला (राज मिस्त्री ग्रेड II) (58)
 प्लम्बर, (59) प्लम्बर (प्रवरण ग्रेड; श्रेणी
 II ; सहायक ; ज्येष्ठ ; कनिष्ठ ; मिस्त्री
 ग्रेड II), (60) प्लम्बर मिस्त्री (61) प्लम्बर
 एवं फिटर, (62) पालिशगर, (63) पालि-
 शगर (फ्लोर) (64) पम्प चालक (65)
 पम्प चालक (प्रवरण ग्रेड; ग्रेड II और III
 श्रेणी II), (66) पम्प (इंजन चालक) (67)
 पी० ई० चालक, (68) पम्प वाला, (69) पम्प
 वाला (सहायक), (70) पम्पर (71)
 पालिशगर (स्त्रे के साथ) ग्रेड II) (72)
 रतन मैन, (73) रिबेट काटने वाला (सहायक)
 (74) रिबेटर (75) रिबेटर (काटने वाला)
 (76) सड़क निरीक्षक ग्रेड II (77) रेलवे
 प्लेट बिछाने वाला (78) छड़ बंधकी (79)
 आराकश (80) आराकश (प्रवरण ग्रेड ;
 श्रेणी II (81) सेरांग (82) वायलर
 के साथ सेरांग पाइप डाइनिंग ग्रेन्ट्स

- (83) स्नेपसमैन (84) पारी-भारसाधक
 (85) फुहूरिया (86) फुहूरिया (सड़क)
 (87) पत्थर/काटने वाला (88) पत्थर
 काटने वाला (प्रवरण ग्रेड ; ग्रेड II ; श्रेणी II)
 (89) पत्थर तराशने वाला (90) पत्थर तराशने
 वाला (श्रेणी II) (91) पत्थर उत्स्फोटक
 (92) सब-ओवरसियर (अनर्ह) (93)
 सर्वेक्षक (94) सर्वेक्षक (सहायक) (95)
 दर्जी (96) दर्जी (गद्दी) (97) तारकोल फुहूरिया
 (98) तार कोल वाला (99) लाइन मैन (100)
 टाइलर (श्रेणी II) ; विवार ; फर्श ; छत
 (101) टाइलर (प्रवरण ग्रेड) (102)
 टीन फार (103) टीन फार (प्रवरण ग्रेड) ;
 (ग्रेड II और III ; श्रेणी II) (104) ठंडेरा
 (105) ट्रेसेस (106) टर्नर (107) गद्दी
 बनाने वाला (108) गद्दी बनाने वाला
 (श्रेणी II और III) (109) पेन्टर स्प्रे श्रेणी
 II (110) लकड़हारा (111) लकड़हारा
 प्रवरण ग्रेड (112) लकड़हारा
 श्रेणी II (113) वर्क सरकार
 (114) फलाईगर (115) फलाईगर गैस
 (116) फलाईगर (श्रेणी II) ; पुल का काम
 (117) कुंआ खोदने वाला (118) सफेदी करने
 वाला (119) सफेदी करने वाला (प्रवरण
 ग्रेड श्रेणी II) (120) तार मिस्त्री (121)
 तार मिस्त्री (ग्रेड ; श्रेणी 1 ;
 मंकेनिक ; (बिजली) (122) सफेदी और
 रंग करने वाला (123) वायुदायी अजार
 प्रचालक (124) प्रचालक (फिटर) (125)
 बेघन करने वाला (126) बेधक (127)
 चिपर (128) चिपर एवं-गिडर (129)
 रसोइया (प्रधान वाला) (130) बरमा वाला
 (कुंआ खोदना) (131) चालक (लोको-ट्रक
 (132) बिजली मिस्त्री (सहायक) (133)
 मैकेनिक (नल-कप) (134) मिस्त्री (स्टील
 नल-कप ; लीफोन) (135) मीटर वाचक
 (136) मौसम प्रक्षक (137) नवघानी

(1)

(2)

रु० प०

(138) प्रचालक (स्वमापी संयंत्र ; सिनेमा प्रक्षेपी ; कलेम्प शैल ; सम्पीडित ; क्रेन ; डेरिक ; डीजल इंजन ; डोजर ; निकर्ष यंत्र ; बरमा ; डम्पर ; उत्खनन फार्क लिफ्ट ; जेनरेटर ; ग्रेडर ; हँक-हँमर और पेवमेन्ट तोड़ने वाला ; लीडर, पम्प लट्ठा ठोकना ; अपघर्षक ; आवरणी संयंत्र ; बेलचा ; ट्रैक्टर ; कम्पित ; वजन स्वमापी) (139) रेलवे गार्ड (140) मरम्मत करने वाला (बैट्री) (141) धाग लगाने वाला /। स्लाट काटने वाला (142) फुहरिया एसफाल्ट) (143) स्टेशन मास्टर (144) सवैक्षक (सिल्ट) (145) व्यापारी (146) रेल-गाड़ी परीक्षक (147) टर्नर /मिलर (148) टायर बल्क-नाइजर (149) कार्य (सहायक) (150) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो कुशल किम्म के हैं

7.00 6.40 5.80 5.20 4.80

अधिक कुशल

(1) आर्मचर बांधने वाला ग्रेड I (2) लोहार ग्रेड I और श्रेणी I (3) वायलर मैन ग्रेड I (4) वालर मैन फोरमैन ग्रेड I (5) थवाईगर श्रेणी I (6) केवज जायनर ग्रेड I (7) वहई ग्रेड I और श्रेणी (8) सलोटेक्स कटर और सजाने वाला (9) चार्ज मैन श्रेणी I (10) चैकर (ज्येष्ठ) (11) चालक (लारी ग्रेड I ; मोटर लारी ग्रेड I ; मोटर वाहन श्रेणी I और डीजल इंजन ग्रेड I ; सड़क इंजन ग्रेड I ; पम्प ग्रेड I ; पम्प श्रेणी I) (12) बिजली मिस्त्री ग्रेड I और श्रेणी I (13) फिटर (ग्रेड I ; श्रेणी I ; पाइप श्रेणी I ; प्रधान) (14) फोरमैन (सहायक) (15) लाइन मैन ग्रेड I (16) राज मिस्त्री (कुशल ग्रेड I ; श्रेणी I) (17) मस्तूल रिगर / मैकेनिक श्रेणी I और श्रेणी II (18) मैकेनिक (प्रधान) या बिजली मिस्त्री (19) मैकेनिक (डीजल ग्रेड I ; सड़क इंजन ग्रेड I ; वातानुकूलन ग्रेड I ; श्रेणी I ; वातानुकूलन) (20) मिस्त्री ग्रेड I (21)

(1)

(2)

रु० पै० । रु० पै० रु० पै० रु० पै० रु० पै०

मिस्त्री (वातानुकूलन ग्रेड I) (22) ओवर-
सियर (23) ओवरसियर (ज्येष्ठ और कनिष्ठ)
(24) पेन्टर (ग्रेड I; श्रेणी I; स्प्रे) (25)
प्लास्टर करने वाला (राज) श्रेणी I (26)
प्लम्बर (प्रधान); श्रेणी I; (27) पालिशगर
(स्प्रे के साथ) ग्रेड I (28) सड़क निरीक्षक
ग्रेड I (29) आराकशी श्रेणी: I; (30)
पत्थर काटने वाला श्रेणी ; (31) पत्थर
काटने वाला ग्रेड I (32) पत्थर तराशने वाला
श्रेणी I, (33) पत्थर राज मिस्त्री श्रेणी I,
(34) सब-ओवरसियर (अहिता); (35)
टाइलर श्रेणी I (36) टीनकार ग्रेड I और
श्रेणी I (37) गद्दी बनाने वाला ग्रेड I (38)
वार्निशगर श्रेणी I (39) झलाईगर एवं फिटर
और वातानुकूलन मैकेनिक (40) झलाईगर
(गैस) श्रेणी I (41) सफेदी करने वाला
श्रेणी I (42) तार मिस्त्री ग्रेड I; श्रेणी I;
(43) लकड़हारा श्रेणी I (44) ग्रीडर
(श्रीजार) ग्रेड I (45) प्रचालक (स्वमापी)
संयंत्र ग्रेड I; कलैम्प शैल ग्रेड I: सम्पीडित
ग्रेड I; क्रेन ग्रेड I; डीजल इंजन ग्रेड I; डोजर
ग्रेड I; निकर्षक यंत्र ग्रेड I; बरमा ग्रेड I डम्पर
ग्रेड I उत्खनक ग्रेड I; फार्क लिफ्ट ग्रेड I;
जैनरेटर ग्रेड I; ग्रेडर ग्रेड ; लीडर ग्रेड I;
लटछा ठोकने वाला ग्रेड I; पम्प ग्रेड I; अपघर्षक
ग्रेड I; आवरणी संयंत्र ग्रेड I; बेलचा ग्रेड I;
बेलचा और निकर्षक यंत्र ट्रेक्टर ग्रेड I; कम्पित ग्रेड
I; रिगर ग्रेड I; रिगर ग्रेड II; (46) धार
लगाने वाला । स्काट काटने वाला ग्रेड I; (47)
व्यापारी श्रेणी I; (48) टर्नर / मिलर ग्रेड I,
(49) टायर वालकनाइजर ग्रेड I (50) कार्य
(सहायक) ग्रेड I (51) किसी भी नाम से
कहलाने अन्य प्रवर्ग जो अधिक कुशल किस्म
के हैं

8.80 8.00 7.30 6.50 6.00

(1)

(2)

रुपै० रुपै० रुपै० रुपै० रुपै०

लिपिक वर्ग :

(1) एम० सी० लिपिक (2) मुंशी (मैट्री- क्यूनेट) ; नान-मैट्रीक्यूनेट (3) भण्डार लिपिक (मैट्रीक्यूनेट) ; नान-मैट्रीक्यूनेट (4) भण्डारनिकासक (5) भंडारी (6) भंडारी (ग्रेड I, ग्रेड II; मैट्रीक्यूनेट II; नान-मैट्री- क्यूनेट) (7) टैलीक्लर्क (8) समयपाल (9) समयपाल (मैट्रीक्यूनेट ; नान-मैट्रीक्यूनेट) (10) आजारवाला (11) कार्य मुंशी (12) कार्य मुंशी (अश्वोत्सव) (13) लेखालिपिक (14) लिपिक (15) संगरक्षक (13) टैलीफोन प्रबालक (17) टाइपिस्ट (18) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो लिपिक जो है — मैट्रीक्यूनेट 7.00 6.40 5.80 5.20 4.80	
नान-मैट्रीक्यूनेट 4.70 4.30 3.90 3.50 3.20	

स्पष्टीकरण — इस अधिसूचना के प्रयोजन के लिए —

1. (क) क्षेत्र ए के अर्न्तगत मुम्बई, कवकता, दिल्ली, मद्रास और इन स्थानों के निगमों/नगरपालिकाओं/छावनी बोर्डों की परिधि से 8 किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(ख) क्षेत्र बी 1 के अर्न्तगत अहमदाबाद, बंगलौर, हैदराबाद, कानपुर, पूना और इन स्थानों के निगमों/नगरपालिकाओं/छावनी बोर्डों की परिधि से 8 किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(ग) क्षेत्र बी 2 के अर्न्तगत आगरा, इलाहाबाद, जयपुर, लखनऊ, नागपुर, मयूराई, वाराणसी और इन स्थानों के निगमों/नगरपालिकाओं/छावनी बोर्डों की परिधि से 8 किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(घ) क्षेत्र सी के अर्न्तगत अडोनी, अनन्तपुरम, आरा, अलेप्पि, अरुणकोटे, अहमदनगर, अहमदाबाद, अमरावती, औरंगाबाद, अचलपुर नगर समूह, अम्बाला, अमृतसर, अजमेर, अलवर, अलीगढ़, अरोड़ा, आंमभोल, बौदर (मसुलीपटनम), भागलपुर बिहार, बडोदा, भावनगर, बरोच गोधड़ा, बोलाल, भिनाई नगर, औद्योगिक नगरी क्षेत्र बिलासपुर, बुरहनपुर, वारासी, भुसावल, बेलगाँव, बैल्लारी, बोगानुर, बहरामपुर, भंडिडा, भवानी, बडाला, व्यावर, बिकानेर, बहराइच, बरेली, बदायूँ, बाली, बाराकपुर, बाकुडा, बेरहामपुर, बसीरहट, भाटपारा, बर्दवान, छपरा, कोचीन, कालीकट (कौजीकोड), कडपूर, चण्डी, कटक, चंडीगढ़, चन्दरनगर, कोइम्बटूर, दरभंगा, धनबाद, दुर्ग नगरपालिका, दिडुक्ल,

धलिया, देवनगौर, देहरादून, एलूर, इरौड़, इटावा, फरीदाबाद, फिरोजपुर, फेजाबाद एवं इरौड़, फरुखाबाद-एवं-फतेहगढ़, फिरोजाबाद गुंटूर, गया, ग्वालियर (लखर), गुडियारतम, गोंदिया, गङ्गा-बेतगोरी, गुल्बर्गा, गंगानगर, गाजियाबाद, गौरखपुर, हौसपेट, हुबली-आरवाड़, हौशियारपुर, हिसार, हापुड़, हरद्वार, हाथरस, हालीशर, हुगली-चिसुरा, इंदोर, इछलकारजी, जमशेदपुर, जामनगर, जौनपुर, जूनागढ़, जम्मू, जबलपुर, जलगांव, जालना, जालंधर, जोधपुर, झांसी, काकीनाडा, कांठगुडिम, कुरनूल, कोट्टयम, खण्डवा, कांचीपुरम, कारूर, कुम्बकोनम, कल्याण, कोलापुर, कोलार, गोवर्धन, कुरनूल, कोटा, कंचरापाड़ा, कमरहरी, खड़गपुर, कोटरंग, कृष्णनगर, लुधियाना, मूंगेर, जमालपुर, मुजफ्फरपुर, मारिव, मयूरम, मालेगांव, मंगलौर, मैसूर, मथुरा, मेरठ, मिर्जापुर, मुरादाबाद, मुजफ्फर-नगर, मिदनापुर, नैलोर, निजामाबाद, नडियाद, नवसारी, नागरकोइल, नागापातिनम, नानदेद, नासिक, नानाद्रीप, नै-हाटी, प्रोद्दतूर, पटना, पौरबन्दर, पालघाट, पौल्लाचिच, पुडुकोट, पुरी, पाईचेरी, पार्नपत, पठानकोट, पटियाला, पीलीभीत, पनिहटी, कोल्लम, राजमंड्रि, रांची, राजकोट, रायपुर, रायचूर, राजपल्लयम, रायचूर, राऊरकेला, रोहतक, रामपुर, सूरत, श्रीनगर, सागर, सरेम, सांगली-निराज, शोलापुर, शिमोगा, सीकर, सहारनपुर, शाहजंहापुर, सम्भल, सीतापुर, श्रीरामपुर, सिर्सीगुडी, शांती-पुर, तेनालि, त्रिचु, तेल्लीचेरी, त्रिवेन्द्रम, थंजावूर (तंचावूर) तिरुधिरामपल्ली (त्रिचिनाल्ली), तिरुपुर, तिरुनेलवेली, तूतीकोरिन, टीटागढ़, उज्जैन, उल्लाहसनगर, उदयपुर, उत्तरपाड़ा, विजयवाड़ा (बेजवाड़ा), विजयनगरम, विशाखापट्टनम (विजगापट्टनम), बेरावल, बेलूर, बालपुराई, बिर-धूनगर, बरगल, यमुनगर और इन स्थानों के निगमों/नगरपालिकाओं/छावनी बॉर्डों/अधिसूचित क्षेत्र, समिति, आदि की परिधि से आठ किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(ड) क्षेत्र डी में वे सभी स्थान समाविष्ट होंगे जो क्षेत्र ए, बी 1 बी 2 और सी में सम्मिलित नहीं हैं।

2. (क) अकुशल काम वह है जिसमें साधारण सक्रियताएं आएँ और जिसे करने के लिए थोड़ी सी कुशलता या अनुभव का होना या बिल्कुल ही न होना अपेक्षित हो।

(ख) अर्धकुशल काम वह है जिसमें कुशलता या क्षमता की कुछ मात्रा आए जिसे काम पर सनुभव द्वारा प्राप्त किया जाए और जो किसी कुशल कर्मचारी के पर्यवेक्षण या मार्गदर्शन में किया जा के तथा इसमें अर्धकुशल पर्यवेक्षकीय काम सम्मिलित है।

(ग) कुशल काम वह है जिसमें कुशलता या क्षमता आए जिसे काम पर अनुभव द्वारा या शिक्षा के रूप में या किसी टेक्निकल या व्यावसायिक संस्थान में प्रशिक्षण द्वारा प्राप्त किया जा सके और जिसके करने में पहल और विवेक बुद्धि की आवश्यकता हो।

(3) मजदूरी की न्यूनतम दरें ठेकेदारों द्वारा नियुक्त किए गए कर्मचारियों पर भी लागू होती है।

(4) मजदूरी की न्यूनतम दरों में कुल मिलाकर सभी दरें आ जाएंगी और इसमें विश्राम के साप्ताहिक दिन की मजदूरी भी शामिल है।

(5) 18 वर्ष से कम आयु के व्यक्तियों के लिए और निर्योग्य व्यक्तियों के लिए मजदूरी की न्यूनतम दरें समुचित प्रवर्ग के व्यर्थ कर्मचारियों को संदेय दरों के 70 प्रतिशत के बराबर होंगी।

क० आ० 1918—न्यूनतम मजदूरी अधिनियम, 1948 (1948 का 11) की धारा 5 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस विषय पर जारी की गई सभी अधिसूचनाओं को अधिक्रान्त करते हुए और उक्त अधिनियम की धारा 5 की उपधारा (1) के खण्ड (क) के अधीन गठित समिति की सलाह पर विचार करने के पश्चात् केन्द्रीय सरकार एतद्वारा इससे उभावद्ध अनुसूची के स्तम्भ 2 की प्रविष्टियों में यथा विनिर्दिष्ट संदेय मजदूरी की न्यूनतम दर कर्मचारियों के उन प्रवर्गों के लिए नियत करती है जो (i) सड़का क संनिर्माण या उनके अनुरक्षा में या भवन-निर्माण के काम में और (ii) पथर तोड़ने और पत्थर काचूरा करने में के नियोजनों में नियोजित है जैसा कि उक्त अनुसूची के स्तम्भ 1 की तत्सम्बन्धी प्रविष्टियों में विनिर्दिष्ट है और निदेश देती है कि यह अधिसूचना 19 मई 1959 को प्रवृत्त होगी ।

अनुसूची

काम का प्रवर्ग

सब जिलाकर प्रतिदिन मजदूरी की न्यूनतम दरें

क्षेत्र	क्षेत्र	क्षेत्र	क्षेत्र	क्षेत्र
ए	बी० 1	बी० 2	सी	डी

र० पै०	र० पै०	र० पै०	र० पै०	र० पै०
--------	--------	--------	--------	--------

अकुशल :

(1) बजरी बिछाने वाला	(2) बेचदार	3.50	3.20	2.90	2.60	2.40
(वयस्थ पुरुष / आदमी; वयस्थ महिला/ स्त्री; 12 वर्ष से ऊपर के कुमार लड़के; लड़कियां; बच्चे	(3) गेनीवाली					
(4) धोने की						
वाला	(5) जरीब वाला					
(6) नावक	(7)					
चाल्टी वाला	(8) ढोने वाला (पत्थर)					
(9)						
ढोने वाला (पानी)	(10) गाड़ी वाला					
(11)						
अभिषेक (पुल)	(12) ग्लोवर (क्रेन, ट्रक;					
राख के गड्ढे के लिए मिन्डर)	(13)					
चौकीदार	(14) कक्रीट (हस्त मिश्रक)					
(15) दफादार	(16) चालक (बैन; ऊट,					
गधे; खच्चर)	(17) झण्डी वाला					
(18)						
झण्डी वाला (ब्लास्ट ट्रे)	(19) दरबान					
(20) गैंग मेन	(21) गैंग मैन (रेल पथ)					
(22) हैंडल मैन	(23) जम्पर मैन					
(24)						
कामिन (महिला कार्य)	(25) खलासी					
(26) खलासी (आदमी पुरुष; स्त्री महिला;						
लड़के लड़कियां; 11; पुल; बिजली						
जहाजी; मोलाह ; तट; भण्डार; भाप का						

(1)

(2)

रु० पै० रु० पै० रु० पै० रु० पै० रु० पै०

सड़क-इंजन; सर्वेक्षण) (27) श्रमिक
(उड़्डयन) (28) बत्तती वाला (29)
माली (30) मजदूर (31) मजदूर (वयस्थ
आदमी/पुरुष; वयस्थ स्त्री/महिला) (32)
मजदूर (कुमार/18 वर्ष से नीचे 12 वर्ष की
आय से ऊपर; लड़कियाँ; बच्चे; 15 वर्ष
से नीचे के बच्चे) (33) पेट्रोल वाला (34)
चपरासी (35) तलाश करने वाला (36)
सिगनल मैन (37) स्ट्राइकर (38) स्ट्राइ-
कर (मोपला गैंग) (39) झाड़ूकश (40)
टाट्टी बाय (41) टाइल टर्नर (42) ट्रौली
वाला (43) वाल्व नियंत्रक (44) वाल्व मैन
(45) पहरेदार (46) पानी वाला (47)
सफेदी करने वाला (48) लकड़ी वाला (49)
लकड़ी वाली ।

अर्धकुशल/अकुशल पर्यवेक्षकीय :

(1) बेलचा वाला	(2) भिस्ती	(3) भिस्ती	4.70	4.30	3.90	3.50	3.20
(भसक के साथ)	(4) नाविक (प्रधान)						
(5) ब्रेकर	(6) ब्रेकर (चट्टानी पत्थर,						
स्टोन मेटल; पत्थर)	(7) बेंत की बुनाई करने						
वाला	(8) जरीब वाला (प्रधान)	(9)					
चारपाई बुनने वाला	(10) चैकर	(11)					
चौकीदार (प्रधान)	(12) त्रेकर	(13)					
वपतरी	(14) डौली वाला	(15) बरमा					
वाला	(16) बरमा वाला (छेद)	(चट्टान)					
(17) झाइवर (स्किन)	(18) उत्खनक						
(19) फैंरोमैन	(20) फायर मैन	(21)					
फायर मैन (ईट भट्टा; भाप का सड़क इंजन)							
(22) द्वारपाल	(23) धारमी (छप्पर छाने						
वाला)	(24) ग्लास मैन	(25) ग्रेस देने					
वाला	(26) ग्रेस देने वाला एवं फायर मैन						
(27) ग्रिन्डर	(28) हथोड़ेवाला	(29)					
मददगार (कारीगर)	(30) मददगार (आ-						
राकण)	(31) जमादार	(32) चाबी वाला					
(33) खलासी (प्रधान सर्वेक्षण; रिबेटर-							

(1)

(2)

रु० पै० रु० पै० रु० प० रु० पै० रु० प०

मोपला गैंग; पर्यवेक्षक) (34) श्रमिक
(चट्टान काटने वाला) (35) लसकर
(36) माली (प्रधान) (37) मेट (38)
मेट (लुहार; सड़क; बटुई; इंजन;
ड्राइवर; और/या फीडर; फिटर; गैंग;
खलासी; स्टील प्रतिष्ठान; मजदूर; राज
मिस्त्री; रेल पथ; पम्प ड्राइवर; टर्नर)
(39) मजदूर (भारी वजन; चार्जमैन;
मिस्त्री; (प्रधान) (40) मुकदम (41)
रात वाला गार्ड (42) तेल वाला (43)
खदानकार (44) खदान प्रभालक (45)
हरकारा (डाक) (46) भंडारक (47)
स्टाकर (48) स्टाकर और बायलर मैन
(49) छप्पर छाने वाला (50) थूम्बा मैन
(फावड़ा कर्मकार) (51) विडल (52)
ट्रोली वाला (प्रधान; मोटर) (53)
फिटर (सहायक; अर्धकुशल) (54) जमा-
दार (अर्धकुशल) (55) मेट (भण्डार)
(56) पम्प परिशर ।

कुशल :

(1) सहायक मिस्त्री (2) आर्मेचर बांधने वाला ग्रेड II और III (3) धंधनी (4) लुहार (5) लुहार (प्रवरण ग्रेड; ग्रेड II; III; श्रेणी II और III; प्रधान) (6) बायलर मैन (7) बायलर मैन (ग्रेड II और III) (8) बायलर फोरमैन ग्रेड II (9) भण्डारी (10) थवाईगर (11) थवाईगर (प्रवरण ग्रेड; श्रेणी II) (12) उत्सफोटक (13) बटुई (14) बटुई (प्रवरण ग्रेड ग्रेड II और III; श्रेणी II और III; सहायक; बी० टी० एम० प्रधान) (15) पेटीकार (16) केन मैन (17) सैलोटेक्स कटर (18) चार्ज मैन श्रेणी II और श्रेणी III (19) बटुई (सामान्य) (20) चेकर (कनिष्ठ) (21) चिक बनाने वाला (22) चिक वाला (23) कंकरीट/मिश्रण/मिश्रक (24) कंकरीट मिश्रक

(1)

(2)

प्रचालक (25) मोची (26) गुल्ली-निर्माता
(27) चालक (28) चालक (मोटर;
वाहन; मो वाहन प्रवरण ग्रेड; मोटर
वाहन श्रेणी ; मोटर लारी; मोटर लौरी
ग्रेड II; लौरी; लारी ग्रेड II; डीजल इंजन,
डीजल इंजन ग्रेड II मशीनी मिश्रक; सड़क
इंजन आई० सी० और सीमेंट मिश्रक आदि;
सड़क इंजन) (29) सड़क इंजन चालक
ग्रेड II (30) चालक (स्थिर इंजन, पत्थर
दलित; ट्रैक्टर/बुलडोजर; भाप का सड़क
इंजन, मशीनी जल पम्प: सहायक मशीनी
सड़क इंजन; भाप क्रैन, बुलडोजर सहित
ट्रैक्टर; मशीनी परिवहन; इंजन, स्थिर
और सड़क इंजन, बायलर परिचर; इंजन)
(31) प्रचालक (पत्थर दलित मशीनी)
(32) डिस्टेंपर (33) बिजली मिस्त्री
(34) बिजली मिस्त्री (ग्रेड II श्रेणी II
श्रेणी III) (35) फिटर (36) फिटर
(प्रवरण ग्रेड; ग्रेड II, III; श्रेणी II;
श्रेणी III;

सहायक पाइप; पाइप श्रेणी II; पाइप
लाइन, प्रतलीकरण एवं मैकेनिक के लिए नमन
छड़; मैकेनिक और प्लम्बर) (37) धारमी
(प्रधान) (38) शीशागर (39) उत्स्फोटक
के लिए छेद वेधक (40) जायनर (41)
जायनर (केवल ग्रेड II) (42) लाइन मैन
(ग्रेड II, III एच० टी०/एल० टी०) (43)
राज मिस्त्री (44) राज मिस्त्री (प्रवरण
ग्रेड II, और III, श्रेणी I और III, श्रेणी बी;
मिस्त्री; पत्थर; पत्थर श्रेणी, ईट का काम,
पत्थर का काम, राज थवाई, टाइल फर्शबन्दी;
बी० टी० एम० मुकदमा; प्रधान पत्थर;
पत्थर कटाई; सामान्य) (45) मशीन वाला
(46) मैकेनिक (47) मैकेनिक (श्रेणी II;
वार्तानुकूलन; वार्तानुकूलन ग्रेड II; डीजल;
डीजल ग्रेड II; सड़क इंजन ग्रेड II, सहायक
रेडियो; मोटर) (48) राज मिस्त्री (धारमी)

(1)

(2)

(49) मिस्त्री (50) मिस्त्री (ग्रेड II; वातानुकूलन ग्रेड II, पी० वे: सर्वेक्षण; संत-रास; निर्माण) (51) राज मिस्त्री श्रेणी ए (52) सांचे वाला (53) सांचे वाला (ईट; डाइल) (54) पेन्टर (55) पेन्टर (प्रवरण ग्रेड; ग्रेड और III; श्रेणी II; सहायक; सोटर और पालिशगर; पालिशगर; मोटा झंटा) (56) प्लास्टर करने वाला (57) प्लास्टर करने वाला (राज मिस्त्री श्रेणी II) (58) प्लम्बर (59) प्लम्बर प्रवरण ग्रेड, श्रेणी II; सहायक; ज्येष्ठ; कनिष्ठ; मिस्त्री ग्रेड II) (60) प्लम्बर मिस्त्री (61) प्लम्बर एवं-फिटर (62) पालिशगर (63) पालिशगर (फ्लोर) (64) पम्प चालक (65) पम्प चालक (प्रवरण ग्रेड, ग्रेड II और III; श्रेणी II) (66) पम्प (इंजन चालक) (67) पी० ई० चालक (68) पम्प वाला (69) पम्प वाला (सहायक) (70) पम्पर (71) पालिशगर स्प्रे के साथ ग्रेड II (72) रतन मैन (73) रिबट काटने वाला (सहायक) (74) रिबेटर (75) रिबेटर काटने वाला सड़क निरीक्षक ग्रेड II (77) रेलवे प्लेट बिछाने वाला (78) छड़बंधकी (79) आराकश (80) आराकश (प्रवरण ग्रेड, श्रेणी II) (81) बायलर के साथ सेराग-पाइप ड्राइविंग पेन्टन्स (82) स्वेम मैन (83) पारी-भार साधक (84) फुहरिया (85) फुहरिया (सड़क) (86) पत्थर काटने वाला (87) पत्थर काटने वाला प्रवरण ग्रेड II; श्रेणी II) (88) पत्थर तराशने वाला (89) पत्थर तराशने वाला (श्रेणी II) (90) पत्थर उत्सर्ग टक (91) सब-ओवरसियर (अनर्ह) (92) सर्वेक्षक (93) सर्वेक्षक (सहायक) (94) दर्जी (95) दर्जी (गद्दी) (96) तार कोल फुहरिया (97) तारकोल वाला (98) लाइन

(1)

(2)

रु० पै० रु० पै० रु० पै० रु० पै० रु० पै०

मैन (99) टाइलर प्रवरण ग्रेड (100)
 टाइलर (श्रेणी II; दिवार; फर्श, छत (101)
 टीनकार (102) टीनकार प्रवरण ग्रेड I
 ग्रेड II और III; श्रेणी II) (103) ठठेरा
 (104) ट्रेलर्स (105) टर्नर (106)
 गद्दी बनाने वाला (107) गद्दी बनाने वाला
 (ग्रेड II और III) (108) स्प्रे पेन्टर श्रेणी
 II (109) लकड़हारा (110) लकड़हारा;
 प्रवरण ग्रेड (111) लकड़हारा श्रेणी II
 (112) वर्क सरकार (113) झलाईगर
 (114) झलाईगर गैस (115) झलाईगर
 (श्रेणी II; पुल का काम) (116) कुआं
 खोदने वाला (117) सफेदी करने वाला
 (118) सफेदी करने वाला (प्रवरण ग्रेड
 श्रेणी II) (119) तार मिस्त्री (120) तार
 मिस्त्री ग्रेड II और III; श्रेणी I, मैकेनिक;
 (बिजली) (21) सफेदी और रंग करने वाला
 (122) वायुदाबी औजार प्रचालक (123)
 चालक (फिटर) (124) वार्निशगर श्रेणी
 II (125) झलाईगर (गैस) श्रेणी II

अधिक कुशल :

(1) ग्रामोच्चर बांधनेवाला ग्रेड I (2) लुहार 8.80 8.00 7.30 6.50 6.00
 ग्रेड I और श्रेणी I (3) वायलर मैन ग्रेड I
 (4) वायलर फोरमैन ग्रेड I (5) थवाईगर
 श्रेणी I (6) केबल जायन्तर ग्रेड I (7) बटुई
 ग्रेड I और श्रेणी I (8) सेलोटेक्स कटर और
 सजाने वाला (9) चार्ज मैन श्रेणी (10)
 चैकर (ज्येष्ठ) (11) चालक (लारी ग्रेड),
 मोटर सारी ग्रेड I, मोटर वाहन श्रेणी; अ
 डीजल इंजन ग्रेड I; सड़क इंजन ग्रेड I; पम्प
 ग्रेड I; पम्प श्रेणी I (12) बिजली मिस्त्री
 ग्रेड I और श्रेणी I (13) फिटर (ग्रेड I
 श्रेणी I; पाइप श्रेणी I; प्रधान)

(1)

(2)

(14) फोरमैन (सहायक) (15) लाइनमैन
ग्रेड I (16) राज मिस्त्री (कुशल; ग्रेड I;
श्रेणी I) (17) मस्तूल रिगरामैकेनिक श्रेणी I
और श्रेणी II (18) मैकेनिक (प्रधान) या बिजली
मिस्त्री (19) मैकेनिक (डीजल ग्रेड; सड़क
इंजन ग्रेड I; वातानुकूलन ग्रेड; सड़क इंजन
ग्रेड I; वातानुकूलन ग्रेड I; श्रेणी I; वाता-
नुकूलन) (20) मिस्त्री ग्रेड I (21) मिस्त्री
(वातानुकूलन ग्रेड I) (22) ओवरसियर
(23) ओवरसियर (ज्येष्ठ और कनिष्ठ)
(24) पेन्टर (ग्रेड I; श्रेणी I; स्प्रे) (25)
प्लास्टर करने वाला (राज मिस्त्री श्रेणी I);
(26) प्लम्बर (प्रधान; श्रेणी I; मिस्त्री ग्रेड I)
(27) पालिशगर (स्प्रे सहित) ग्रेड I
(28) सड़क निरीक्षक ग्रेड I
(29) आराकश श्रेणी I (30) पत्थर काटने
वाला श्रेणी I (31) पत्थर काटने वाला ग्रेड
I (32) पत्थर तराशने वाला श्रेणी I (33)
पत्थर राज मिस्त्री श्रेणी I (34) सब-ओवर-
सियर (अहित) (35) टाइलर श्रेणी I
(36) ठीनकार ग्रेड I और श्रेणी I (37)
गद्दी बनाने वाला ग्रेड I (38) बार्निशगर
श्रेणी I (39) झला इंगर एवं फिटर और
वातानुकूलन मैकेनिक (40) झलाइंगर (गैस)
श्रेणी I (41) सहेदी करने वाला श्रेणी I
(42) तार मिस्त्री ग्रेड I; श्रेणी (43)
लकड़हारा श्रेणी I

लिपिक वर्ग :

(1) एम० सी० लिपिक (2) मुंशी (मैट्री-
क्यूलेट, नान मैट्रीक्यूलेट) (3) भण्डार लिपिक
(मैट्रीक्यूलेट, नान मैट्रीक्यूलेट) (4)
भण्डार निकासक (5) भण्डारी (6) भण्डारी
ग्रेड I, II, मैट्रीक्यूलेट II; नान-
मैट्रीक्यूलेट) (7) टैली लिपिक (8) साम-

1

2

रु० पै० रु० पै० रु० पै० रु० पै० रु० पै०

पाल (9) समयपाल (मैट्रीकूलेट; नान-

मैट्रीकूलेट) (10) अोजार वाला (11)

कार्य मुशी

(12) कार्य (अधीनस्थ)

मैट्रीकूलेट

7.00 6.40 5.80 5.20 4.80

नान-मैट्रीकूलेट

4.70 4.30 3.90 3.50 3.20

स्प.टि.करण:—इस अधिसूचना के प्रयोजन के लिए —

1. (क) क्षेत्र ए के अन्तर्गत मुम्बई, कलकत्ता, दिल्ली, मद्रास और इन स्थानों के निगमों/नगर पालिकाओं/छावनी बोर्डों की परिधि से 8 किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(ख) क्षेत्र बी-1 के अन्तर्गत अहमदाबाद, बंगलौर, हैदराबाद, कानपुर, पूना और इन स्थानों के निगमों/नगर पालिकाओं/छावनी बोर्डों की परिधि से 8 किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(ग) क्षेत्र बी-2 के अन्तर्गत आगरा, इलाहाबाद, जयपुर, लखनऊ, नागपुर, मद्रास, वाराणसी और इन स्थानों के निगमों/नगर पालिकाओं/छावनी बोर्डों की परिधि से 8 किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(घ) क्षेत्र सी के अन्तर्गत अडोनी, अन्तपुरम, आरा, अलेप्पि, अरुणकोट्टे, अहमदनगर, आकोला, अमरावती, औरंगाबाद, अचलपुर नगर समूह अम्बाला, अमृतसर, अजमेर, अलवर, अलीगढ़, अमरोहा, आसंसोल, बोंदर (मसुलीपटनम) भागलपुर, बिहार, बडोदा, भावनगर, बरोच गोधड़ा, भोपाल, भिलाई, नगर औद्योगिक नगरी क्षेत्र, बिलासपुर, बुरहानपुर, बारसी, भुसावल, बैलगाँम, बल्लारी, बीजापुर, बेहरामपुर, भटिंडा, भवानी, बटाला, ब्यावर, बिकानेर, बहराश्च, बरेली, बदायूँ, बाली, बारखपुर, बाकड़ा, बेरहमपुर, बसीरहाट, भाटपारा, बर्दवान, छपरा, कोचीन, कालीकट (कोजीकोड), गुडलूर, चादा, कटक, चंडीगढ़, चन्दर नगर, कोयम्बटूर, दरभंगा, धनबाद, दुर्ग नगर—पालिका, दिहुक्कने, धुलिया, देवनगौर, देहरादून, एलरु, इरोडा, इटावा, फरीदाबाद, फिरोजपुर, फैजाबाद—एच—अयोध्या, फर्रुखाबाद—एवं—फतेहगढ़, फिरोजाबाद, गुन्टूर, गया, ग्वालियर (लक्ष्कर), गुडियात्तम, गोडिया, गडोग—बजौरी, गुल्बर्गा, गगानगर, गाजियाबाद, गोरखपुर, होसपेट, चबली—चारबाब, होशियारपुर, हिसार, हापुड़, हरद्वार, हाथरस, हालीशर, हुगली-चित्रा, इन्दौर, इच्छुलकारंजी, जमशेदपुर, जामनगर, जौनपुर, जूनागढ़, जम्मू, जबलपुर, जलगांव, जालना, जालन्धर, जोधपुर, झांसी, जालीनाड, कोटागुडियर, कर्नूल, कट्टयम, खडवा, कौचीपुरम, कांकर, कम्बकोन्म, कल्याण, कोल्हापुर, कोलार गोल्ड फ़िल्ड, करनाल, कोटा, कचरापाड़ा, कभरहटी, खड़गपुर, कोटारंग, दुबनगर, लुधियाना, मुंगेर, जमालपुर, मुजफ्फरपुर, मांखि, मयूरम, मांरगाव, मंगलौर, मैसूर, मथुरा, मेरठ, मिर्जापुर, मुरादाबाद, मुजफ्फर नगर, मिदनापुर, नेतर, निजामाबाद, नडियाद, नवसारी, नागरकोइल, नागापत्तिनम, नानदेद, नासिक, नावा द्वीप, नै-अहाटी, प्रोड्वर, पटना, पाटन, पोरबंदर, पालघाट, पोल्लाचि, पुडुकोट्टे, पुरी, पाडीचंगी, पानीपत, पठानकोट,

पटियाला, पीलीभीत, पतिहटी, कोल्लम, राजमंडि, रांची, राजकोट, रायपुर, रतलाम, राज.पलयम, रायचुर, राऊरकेला, रोहतक, रामपुर, सूरत, श्रीनगर, सागर, सलेम, सांगली-मिराज, शोलापुर, शिमोगा, सीकर, सहारनपुर, शाहजंहापुर, सम्भल, सीतापुर, श्रीरामपुर, सिलीगुड़ी, शान्तीपुर, तेनाली, त्रिचुर, तेलीचेरी, त्रिवेन्द्रम, थंजावुर (संचावर), तिरुच्चिरापल्ली (त्रिचिनापली), तिरुपुर, तिरुनेलवेली, तृतीकोगिन, टीटागढ़, उज्जैन, उल्हास नगर, उदयपुर, उत्तरपाड़ा, विजयवाड़ा (वेजवाड़ा), विजयनगरम, विशाखापट्टनम (विजागापट्टनम), वेरावल, बेलूर, बालपराई, बिरधनगर, बरंगल, यमुनानगर, और इन स्थानों के निगमों/नगरपालिकाओं/छावनी बोर्डों/अधिसूचित क्षेत्र, समिति आदि की परिधि से आठ किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(ड०) क्षेत्र डी में वे सभी स्थान समाविष्ट होंगे जो क्षेत्र ए, बी-1, बी-2, और सी में सम्मिलित नहीं हैं।

2. (क) अकुशल काम वह जिसमें साधारण साध्याएँ आएँ और जिस करने के लिए थोड़ी सी कुशलता या अनुभव का होना या बिल्कुल ही न होना अपेक्षित हो।

(ख) अर्धकुशल काम वह है जिसमें कुशलता या क्षमता की कुछ मात्रा आवे जिसे काम पर अनुभव द्वारा प्राप्त किया जाय और जो किसी कुशल कर्मचारी के पर्यवेक्षण या मार्गदर्शन में किया जा सके तथा इसमें अर्धकुशल पर्यवेक्षकीय काम सम्मिलित है।

(ग) कुशल काम वह है जिसमें कुशलता या क्षमता आएँ जिसे काम पर अनुभव द्वारा या शिक्षा के रूप में या किसी टैकनिकल या व्यावसायिक संस्थान में प्रशिक्षण द्वारा प्राप्त किया जा सके और जिसके करने में पहले और विवेक वृद्धि की आवश्यकता हो।

3. मजदूरी की न्यूनतम दरें टेकेदारों द्वारा नियुक्त किए गए कर्मचारियों पर भी लागू होती है।

4. मजदूरी की न्यूनतम दरों में कुल मिलाकर सभी दरें आ जायेंगी और इसमें विश्राम के सप्ताहिक दिन की मजदूरी भी शामिल है।

5. 18 वर्ष से कम आयु के व्यक्तियों के लिए और निर्योग्य व्यक्तियों के लिये मजदूरी की न्यूनतम दरें समुचित प्रवर्ग के वयस्थ कर्मचारों को सन्देय दरों के 70 प्रतिशत के बराबर होगी।

[सं० 6(1)/69-एल० डब्लू० आई०(1)]

का० आ० 1919-न्यूनतम मजदूरी अधिनियम, 1948 (1948 का 11) की धारा 5 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस विषय पर जारी की गई सभी अधिसूचनाओं को अधिक्रान्त करते हुए तथा उक्त अधिनियम की धारा 5 की उप-धारा (1) के खण्ड (क) के अधीन गठित समिति की सलाह पर विचार करने के पश्चात् केन्द्रीय सरकार एतद्वारा इससे उपाबद्ध अनुसूची के स्तम्भ 2 की प्रविष्टियों में यथा विनिर्दिष्ट संदेय मजदूरी की न्यूनतम दर कर्मचारियों के उन प्रवर्गों के लिए पुनरीक्षित करती है जो उक्त अनुसूची के स्तम्भ 1 की तत्सम्बन्धी प्रविष्टियों में विनिर्दिष्ट हैं और जो रक्षा, खाद्य, कृषि सामुदायिक विकास और सहकारिता (कृषि विभाग) निर्माण और आवास (उद्यान और केन्द्रीय लोक निर्माण विभाग, महानिदेशालय, नई दिल्ली) और शिक्षा (भारत सरकार का भारतीय पुरातत्व सर्वेक्षण) मंत्रालयों के प्राधिकार के द्वारा या उनके अधीन की जा रही कृषि के नियोजन में नियोजित हैं, और निदेश देती है कि यह अधिसूचना 19 मई, 1966 को प्रवृत्त होगी।

अनसूची

कर्मचारियों के प्रवर्ग

सब मिलाकर प्रतिदिन मजदूरी की न्यूनतम दरें

क्षेत्र ए क्षेत्र बी-1 क्षेत्र बी-2 क्षेत्र सी क्षेत्र डी

(1)

(2)

अकुशल :

रु० पै० रु० पै० रु० पै० रु० पै० रु० पै०

(1) बेलदार (पुरुष / स्त्री) (2) काफ बाय (3) पशुशाला (4) चौकीदार (5) क्लिनर (मोटर; शोड ; ट्रेक्टर; पशुशाला; एम०टी०) (6) खुला चारा एकत्रित करना; (7) धोबी (8) डेरी कुली (9) डेरी वाला (10) स्नात खोलना (11) ड्रेसर (12) चालक (बैल; खच्चर) (13) फीडर (वयस्थ) सूखी घास (14) चरवाहा (15) घास काटने वाला (16) मददगार (भण्डारजम-दूर) (17) श्रमिक (पुरुष स्त्री ; बायलर; पशुशाला खेती ; साधारण; लदाई और उत-राई; बं डल बनाना ; डोना; उर्वरक; कटाई; प्रकीर्ण; बीजन; बुवाई; छप्पर छानी; प्रति-रोपण; निराई) (18) माली (19) मजदूर (वृक्षसंवर्धक ; कम्पोस्ट; डेरी; घास का चट्टा लगाना — सिंचाई; खाद चट्टा लगाना ; दुग्ध कक्ष ; राशन कक्ष ; भण्डार ; मलेरिया-रोधक; एम० आर०) (20) संदेशवाहक (कार्यालय) (21) चपरासी (22) झाड़ुकश (23) सईस (24) खुली घास बांधना और डोना (25) पानी वाला (26) गांठे तोलना और डोना (27) तोलने वाला (गांठ ; पाल्ली) (28) तार काटने वाला (29) तार मिस्त्री और टीन लेबल चिपकाना (30) अस्तबल वाला (31) शाली वाला	3.70	3.40	3.10	2.80	2.50
---	------	------	------	------	------

अर्ध कुशल / अकुशल पर्यवेक्षकीय :

(1) परिचर (बैल ; व्याना-स्थल ; कुट्टी-मशीन ; छात्रावास ; सुखा पशुधन; अनाज दलित ; पम्प ; रोगी पशु आवास; अस्तबल ;	4.90	4.50	4.10	3.70	3.30
---	------	------	------	------	------

(1)

(2)

रु०पै० रु०पै० रु०पै० रु०पै० रु०पै०

याई; पशुधन (2) भिषती (3) ब्रांडर (4)
मखन बाला (5) कोचवान (6) मोची (7)
दफतरी, (8) पत्र वितरक (9) ड्रेसर (प्रधान)
ग्रेड-I (10) फीडर विभाजन बोर्ड (11)
फायरमैन (12) ग्वाला (13) हथोड़ेवाला
(14) जमादार (15) जमादार (संतरी)
(16) मेट/मिस्त्री (17) नालबन्द (18)
चट्टा लगाने वाला (19) पर्यवेक्षक (20)
छप्पर छाने वाला (21) तोलने वाला (22)
किसान (कल्टी वेटर) (23) फारिशर (24)
मददगार (लुहार) (25) तेलवाला (26)
मजदूर (प्रशिक्षित, मददगार, (27) बाल्व मैन
(28) हलवाला

कुशल :

(1) कारीगर (श्रेणी ii; iii; iv) — (2) 7.40 6.80 6.20 5.60 5.00
लुहार (3) लुहार (श्रेणी ii) (4) वायलर मैन
(5) बड़ई (6) बड़ई श्रेणी ii (7) बड़ई
एवं लुहार (8) चालक (इंजन ट्रैक्टर ; ए०
टी० मोटर) (9) बिजली मिस्त्री (10) फिटर
(11) राज मिस्त्री (12) राज मिस्त्री श्रेणी ii
(13) मशीन-हैड (श्रेणी ii, iii, iv) (15)
मशीन वाला (15) मैकेनिक (16) दुग्ध लेखक
(17) मिस्त्री (प्रधान) (18) सांचे वाला
(19) उपस्थिति लेखक (20) प्रचालक
(नल-कूप) (21) पेन्टर (22) शलाईगर
(23) तारमिस्त्री (24) मेट ग्रेड (ज्येष्ठ)
(25) पलम्बर (26) गद्दी बनाने वाला ।

अधिक कुशल :

(1) कारीगर श्रेणी i (2) लुहार श्रेणी i 9.25 8.50 7.75 7.00 6.25
(3) बड़ई श्रेणी i (4) मशीन-हैड श्रेणी i
(5) राज मिस्त्री श्रेणी i

लिपिक वर्ग :

(1) सहायक (फार्म)

(2) मुंशी

मैट्रीकुलेट

नान-मैट्रीकुलेट

7.40 6.80 6.20 5.60 5.00
4.90 4.50 4.10 3.70 3.30

स्पष्टीकरण इस अधिसूचना के प्रयोजन के लिए —

1. (क) क्षेत्र ए के अन्तर्गत मुम्बई, कलकत्ता, दिल्ली, मद्रास और इन स्थानों के निगमों/नगरपालिकाओं/छावनी बोर्डों की परिधि से 8 किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(ख) क्षेत्र बी-1 के अन्तर्गत अहमदाबाद, बंगलौर, हैदराबाद, कानपुर, पूना, और उन स्थानों के निगमों/नगरपालिकाओं/छावनी बोर्डों की परिधि से 8 किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(ग) क्षेत्र बी-2 के अन्तर्गत आगरा, इलाहाबाद, जयपुर, लखनऊ, नागपुर, मुद्राई, वाराणसी और इन स्थानों के निगमों/नगरपालिकाओं/छावनी बोर्डों की परिधि से 8 किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(घ) क्षेत्र सी के अन्तर्गत अडोनी, अनन्तपुरम, आरा, अलेप्पि, अरुम्पुकोट्टे, अहमदनगर, अकोला, अमरावती, औरंगाबाद, अचलपुर नगर समूह, अम्बाला, अमृतसर, अजमेर, अलवर, अलीगढ़, अमरगढ़, आसंसोल, बोदर, (मसूलीपटनम), भागलपुर, बिहार, बड़ौदा, भावनगर, बरोच गोघड़ा, भोपाल, भिलाई नगर औद्योगिक नगरीक्षेत्र, बिलासपुर, बुरहानपुर, बारसी, मुसाबल, बेनगमि, बेल्लारी, बीजापुर, बहरामपुर, भटिंडा, भवानी, बटाला, व्यावर, बिकानेर, बहराइच, बरेली, बदायूं, बागी, बारकपुर, बाकुडा, बैरहामपुर, बसीरहट, भाटपारा, बदध्वान, छपरा, बोक चीन, कालीकट (कोजीकोड़), गुडलूर, चादा, काक, चंडीगढ़, चन्द्रनगर, कोइंबटूर, दरभंगा, धनबाद, दुर्ग नगरपालिका, दिङ्गल, धुलिया, देवनगर, देहरादून, एलुरु, इरोड, इटावा, फरीदाबाद, फिरोजपुर, फैजाबाद-एवं अयोध्या, फर्रुखाबाद एवं फतेहगढ़, फिरोजाबाद, गुरु, गया, ग्वालियर (लश्कर), गुडियात्तम, गोडिया, गडोंग-वैतगोरी, गुल्मी, गगानगर, गाजियाबाद, गोरखपुर, हासपेट, हुबली-धारवाड, होशियारपुर, हिसार, हापुड, हरद्वार, हाथरस, हलीशर, हुगली-चिसुरा, इन्दौर, इछलकारजी, जमशेदपुर, जामनगर, जोनपुर, जूनाग, जम्मू, जबलपुर, जलगांव, जालान, जालन्धर, जोधपुर, झांसी, काकीनाडा, कोठागेडियम, कुन्नूल, कोट्टयम, खडवा, कांचीपुरम, कारूर, कुम्भकोनम्, कल्याण, कोलापुर, कल्लोर गोल्ड फ़िल्ड, करनाल, कोटा, कंधरापाड़ा कमरहटी, खडपुर, कोटरंग, कृष्णनगर, लुधियाना, मुंगेर, जमालपुर, मुजफ्फरपुर, मारिव, मयूरम, मालेगांव, मंगलौर, मैसूर, मथुरा मेरठ, मिरजापुर, मुरादाबाद, म्ज फरनगर, मिदनापुर, नैलोर, निजामाबाद, नाडियाद, नवसारी, नागरकोइल, नागापात्तिनम, नानदेद, नासिक, नाबाद्वीप, नै हाटी, प्रोद्दतूर, पटना, पाटन, पोरबन्दर, पाल घाट, पोत्लाचि, पुडुकोटे, पुरी, पांडीचेरी, पानीपत, पठानकोट, पटियाला, पीलीभीत, पनिहटी, कोल्लम, राजमुड़ि, रांची, राजकोट, रायपुर, रतलाम, राजापलयम, रायचुर, राउरकेला, रोहतक, रामपुर, रंगत, श्रीनगर, सागर, सलेम, सांगली-मराज, शोलापुर, शिमोगा, सीकर, सहारनपुर, शाहजंहापुर, सम्भल, सोतापुर, श्रीरामपुर, सिलीगुड़ी, शान्तीपुर, तेनालि, त्रिचुर, तेलीचेरी, त्रिवेन्द्रम, थजानर, (तंजावूर) तिरुच्चिरापली (त्रिचनपली), तिरुपुर, तिरुनेलवेली, तूतीकोरिन, टीटागढ़, उज्जैन, उल्हासनगर, उदयपुर, उत्तरपाड़ा, विजयवाड़ा, (बैजवाड़ा), विजयनगरम, विशाखापत्तिनम, (बिजागापटनम), वेरावल, वेतूर, वालपराई, विरूधनगर, वरगेल, यमुनानगर, और इन स्थानों के निगमों/नगरपालिकाओं/छावनी बोर्डों/अधिसूचित क्षेत्र, समिति आदि की परिधि से आठ किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(ङ) क्षेत्र डी में वे सभी स्थान समाविष्ट होंगे जो क्षेत्र ए, बी-1, बी-2 और सी में सम्मिलित नहीं हैं।

2. (क) अकुशल काम वह है जिसमें साधारण संक्रियाएं आएँ और जिसे करने के लिए थोड़ी सी कुशलता या अनुभव का होना या बिल्कुल ही न होना अपेक्षित हो।

(ख) अर्धकुशल काम वह है जिसमें कुशलता या क्षमता की कुछ मात्रा आए जिसे काम पर अनुभव द्वारा प्राप्त किया जाए और जो किसी कुशल कर्मचारी के पर्यवेक्षण या मार्गदर्शन में किया जा सके तथा इसमें अर्ध कुशल पर्यवेक्षकीय काम सम्मिलित है।

(ग) कुशल काम वह है जिसमें कुशलता या क्षमता आए। जिससे काम पर अनुभव द्वारा या शिक्षक के रूप में या किसी टेक्निकल या व्यावसायिक संस्थान में प्रशिक्षण द्वारा प्राप्त किया जा सके और जिसके करने में पहले और विवेक बुद्धि की आवश्यकता हो।

(3) मजदूरी की न्यूनतम दरें ठेकेदारों द्वारा नियुक्त किए गए कर्मचारियों पर भी लागू होती है।

(4) मजदूरी की न्यूनतम दरों में कुल मिलाकर सभी दरें आ जाएंगी और इसमें विश्राम के साप्ताहिक दिन की मजदूरी भी शामिल है।

(5) 18 वर्ष से कम आयु के व्यक्तियों के लिए और नियोज्य व्यक्तियों के लिए मजदूरी की न्यूनतम दरें समुचित प्रवर्ग के व्ययस्थ कर्मचारों को संदेय करेंगे के 70 प्रतिशत के बराबर होंगी।

[संख्या 7(1) / 69 -एल० डब्ल०आई० (जे)]

फा०अ० 1970.—न्यूनतम मजदूरी अधिनियम, 1948 (1948 का 11) की धारा 4 की उपधारा (1) के खण्ड (iii) और धारा 5 की उपधारा (2) के साथ पठित धारा 3 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और उक्त अधिनियम की धारा 5 की उपधारा (1) के खण्ड (क) के अधीन गठित समिति की सलाह पर विचार करने के पश्चात्, केन्द्रीय सरकार एतद्वारा इससे उपाबद्ध अनुसूची के स्तम्भ 2 की प्रविष्टियों में यथा विनिर्दिष्ट संदेह मजदूरी की न्यूनतम दर कर्मचारियों के उन प्रवर्गों के लिए नियत करती है जो कृषि के नियोजन में नियोजित हैं जैसा कि उक्त अनुसूची के स्तम्भ (1) की तत्संबंधी प्रतिष्ठियों में विनिर्दिष्ट है, और निदेश देती है कि यह अधिसूचना 19 मई, 1959 को प्रवृत्त होगी।

अनुसूची

कर्मचारियों के प्रवर्ग	सब मिलाकर प्रतिदिन मजदूरी की न्यूनतम दरें				
	क्षेत्र ए	क्षेत्र बी-1	क्षेत्र बी-2	क्षेत्र सी	क्षेत्र डी
	र० पै०	र० पै०	र० पै०	र० पै०	र० पै०
1	2				

अकुशल:

(1) बेलदार (2) काँफ बाय (3) गाड़ी- वाला (4) पशुवाला (5) चौकीदार (6) मिलनर (7) खुला चारा एकत्रित करना (8) धोबी (9) डरी कुली (10) डरी वाला	3.70	3.40	3.10	2.80	2.50
---	------	------	------	------	------

र० पै० र० पै० र० पै० र० पै० र० पै०

(11) स्टाक खोलना (12) ड्रेसर (13) फीडर (14) चरवाहा (15) घास काटने वाला (16) श्रमिक (17) माली (18) मजदूर (19) संदेशवाहक (20) चपरासी (21) झाड़ूकश (22) सईस (23) खुली घास बांधना और ढोना (24) पानी वाला (25) गांठ तोलना और ढोना (26) ढोलते वाला (27) तार काटने वाला (28) तार मिस्त्री और टीन लेवल चिपकाना (29) अस्तबल वाला (30) ट्रौलीवाला (31) किसी भी नाम से कहलाने वाले/अन्य प्रवर्ग जो अकुशल किस्म के हैं।

अर्धकुशल :

(1) सहायक (चौधरी) (2) सहायक— 4.90 4.50 4.10 3.70 3.30
(प्लम्बर) (3) परिचर (4) बैलवाला
(5) भिंसी (6) ब्रांडर (7) मक्खन वाला
(8) कोचवाला (9) मोची (10) दफतरी
(11) पत्र-वितरण (12) ड्रेसर (13) फीडर (14) फायरमैन (15) ग्वाला (16) हथौड़े वाला (17) मददगार (18) जमा-दार (19) खलासी (20) मेट/मिस्त्री (21) माली (ज्येष्ठ) (22) नालबन्द (23) चट्टा लगाने वाला (24) छप्पर छानेवाला (25) बाट-वाला (26) किसान/हलवाला (27) फारियर (28) तेलवाला (29) बाल्व मैन (ज्येष्ठ) (30) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो अर्धकुशल किस्म के हैं।

कुशल :

(1) कारीगर (श्रेणी II, III, IV)— 7.40 6.80 6.20 5.60 5.00
(2) लुहार (श्रेणी I) (3) बायलर मैन
(4) बढ़ई (श्रेणी II) (5) बढ़ई-एवं-लुहार (6) चालक (7) बिजली मिस्त्री (8) फिटर (9) राज मिस्त्री (श्रेणी I) (10) मशीन हैड (श्रेणी II, III, IV) (11) मशीन वाला (12) मैकेनिक (13) दुग्ध

र० पै० र० पै० र० पै० र० पै० र० पै०

लेखक (14) मिस्त्री (प्रधान) (15) साँचे
वाला (16) उपस्थिति लेखक (17) प्रचा-
लक (नल-कूप) (18) पेन्टर (19) झला-
इंगर (20) तार मिस्त्री (21) मेट ग्रेड I
(ज्येष्ठ) (22) प्लम्बर (23) गर्दी वाला
(24) चौधरी (25) किसी भी नाम से
कहलाने वाले अन्य प्रवर्ग जो कुशल किस्म के
हैं।

अधिक कुशल :

(1) कारीगर श्रेणी I	(2) लहार श्रेणी I	9.25	8.50	7.75	7.00	6.25
(3) बढ़ई श्रेणी I	(4) मशीन हैंड श्रेणी I					
(5) राज मिस्त्री श्रेणी	(6) मैकेनिक					
(ज्येष्ठ)	(7) किसी भी नाम से कहलाने					
वाले अन्य प्रवर्ग जो अधिक कुशल किस्म के						
हैं।						

लिपिक वर्ग :

मैट्रीकूलेट

(1) सहायक	(2) मंशी	(3) लिपिक	(4)	7.40	6.80	6.20	5.60	5.00
खजान्ची	(5) रजिस्टरपाल	(6) भण्डारी						
(7) समय पाल	(8) टाइपिस्ट	(9) किसी		4.90	4.50	4.10	3.70	3.30
भी नाम से कहलाने वाले अन्य प्रवर्ग जो लिपिक								
किस्म के हैं।								

स्पष्टीकरण—इस अधिसूचना के प्रयोजन के लिए—

1. (क) क्षेत्र ए के अन्तर्गत मुम्बई, कलकत्ता, दिल्ली, मद्रास और इन स्थानों के निगमों/नगरपालिकाओं/छावनी बोर्डों की परिधि से 8 किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(ख) क्षेत्र बी-1 के अन्तर्गत अहमदाबाद, बंगलौर, हैदराबाद, कानपुर, पूना और इन स्थानों के निगमों/नगरपालिकाओं/छावनी बोर्डों की परिधि से 8 किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(ग) क्षेत्र बी-2 के अन्तर्गत आगरा, इलाहाबाद, जयपुर, लखनऊ, नागपुर, मद्रास, वाराणसी, और इन स्थानों के निगमों/नगरपालिकाओं/छावनी बोर्डों की परिधि से 8 किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(घ) क्षेत्र सी के अन्तर्गत अडोनी, अनन्तपुरम, आरा, अलेप्ति, अरुणकोटटे, अहमदनगर, अकोला, अमरावती, औरंगाबाद, अश्वलपुर नगर समूह, अम्बाला, अमृतसर, अजमेर, अलवर, अलीगढ़, अमरोहा,

असंसोल, बौदर (मसुलीपटनम), भागलपुर, बिहार, बड़ौदा, भावनगर, बरौच, गोघड़ा, भोपाल, भिलाई-नगर औद्योगिक नगरी क्षेत्र, बिलासपुर, बुरहनपुर, बारसी, भुसावल, बेलगांव, बेल्लारी, बीजापुर, बेहरामपुर, भटिंडा, भवानी, बटासा, व्यावर, बिकानेर, बहराइच, बरेली, बदायूं, बाली, बारकपुर, बांकुडा, बेरहामपुर, बसीरहट, भाटपारा, बर्दवान, छपरा, कोचीन, कालीकट (कोजीकोड) गूडलूर, चांदा, कटक, चंडीगढ़, चन्दरनगर, कोयम्बटूर, दरभंगा, धनबाद, दुर्गनगरपालिका, दिंडिवल, धुलिया, धेवनगौर, देहरादून, एलूरु, इरोड, इटावा, फरीदाबाद, फिरोजपुर, फैजबाद-एवं-अयोध्या, फरखाबाद एवं फतेहगढ़, गुंटूर, गया, ग्वालियर (लक्ष्मर) गुडियात्तम, गोडिया, गडोग-बेतगोरी, गुलबर्गा, गंगानगर गाजियाबाद, गोरखपुर, होसपेट, हुबली-घारबाड़, होशियारपुर, हिसार, हापुड़, हरद्वार, हाथरस, हलीशर, हुगली-चिसुरा, इन्दौर, इछलीकीरंजी, जमशेदपुर, जामनगर, जोनपुर, जूनागढ़, जम्मू, जबलपुर, जलगांव, जालना, जालंधर, जोधपुर, झांसी, काकोनाडा, कोटागुडियम, कुरनूल, कोट्टयम, खंडवा, कांचीपुरम, कारूर, कुम्बकोतम, कल्याण, कोलापुर कालार गोल्ड फील्ड, करनाल, कोटा, कंचरापाडा, कमरहटी, खडगपुर, कोटरंग, कृष्णनगर, लधियाना, मूंगेर, जमालपुर, मुजफ्फरपुर, मारिच, मयूरम, मालेगांव, मंगलौर, मैसूर, मधुरा, मेरठ, मिरजापुर, मुरादाबाद, मुजफ्फरनगर, मिदनापुर, नैलोर, मिजामाबाद, नडियाद, नवसारी, नागरकोइल, नागापत्तिनम, नानदेद, नासिक, नावाट्टीप, नैनहाटी, प्रोवदतूर, पटना, पाटन, पोरबन्दर, पालघाट, पोल्लाच्चि, पुडुकोटे, पुरी, पांडीचेरी, पानीपत, पठानकोट पटियाला, पीलीभीत, पनिहटी, कोल्लम, राजमूंड्रि, रांची, राजकोट, रायपुर, रतलाम, राजापलयम, रायचूर, राऊरकेला, रोहतक, रामपुर, सूरत, श्रीनगर, सागर, सलेम, सांगली-मिराज, शोलापुर, शिमोगा, सीकर सहारनपुर, शाहजहांपुर, सम्भल, सीतापुर, श्रीरामपुर, सिलीगुड़ी, शान्तीपुर, तेनालि, त्रिचूर, तेल्लीचेरी, त्रिवेन्द्रम, थजावूर, (तंजावूर) तिरुच्चिराप्पलली (त्रिचिनापली), तिरुप्पुर, तिरुनेलवेली, तूतीकोरिन, टीटागढ़, उज्जैन, उल्हासनगर, उदयपुर, उत्तरपाड़ा, विजयवाड़ा, (बैजवाड़ा), विजयनगरम, विशाखापट्टनम, (विजगापट्टनम), बेरावल, बेलूर, बारुपराई, विरधूनगर, वरंगल, यमनगर, और इन स्थानों के निगमों/नगरपालिकाओं/छावनी बोर्डों/अधिसूचित क्षेत्र समिति आदि की परिधि से आठ किलोमीटर की दूरी के अन्दर के सभी स्थान समाविष्ट होंगे।

(ङ) क्षेत्र डी में वे सभी स्थान समाविष्ट होंगे जो क्षेत्र ए, बी-1, बी-2 और सी में सम्मिलित नहीं हैं।

2. (क) अकुशल काम वह है जिसमें साधारण सक्रियाएं आएँ और जिसे करने के लिए थोड़ी सी कुशलता या अनुभव का होना या बिल्कुल ही न होना अपेक्षित हो।

(ख) अर्धकुशल काम वह है जिसमें कुशलता या क्षमता की कुछ मात्रा आए जिसे काम पर अनुभव द्वारा प्राप्त किया जाए और जो किसी कुशल कर्मचारी के पर्यवेक्षण या मार्गदर्शन में किया जा सके तथा इसमें अर्धकुशल पर्यवेक्षकीय काम सम्मिलित है।

(ग) कुशल काम वह है जिसमें कुशलता या क्षमता आए जिसे काम पर अनुभव द्वारा या शिक्षा के रूप में या किसी टेक्निकल या व्यावसायिक संस्थान में प्रशिक्षण द्वारा प्राप्त किया जा सके और जिसके करने में पहल और विवेक बुद्धि की आवश्यकता हो।

3. मजदूरी की न्यूनतम दरें ठेकेदारों द्वारा नियुक्त किए गए कर्मचारियों पर भी लागू होती है

4. मजदूरी की न्यूनतम दरों में कुल मिलाकर सभी दर आ जाएंगी और इसमें विश्राम के सप्ताहिक दिन की मजदूरी भी शामिल है।

5. 18 वर्ष से कम आयु के व्यक्ति के लिए और निर्वास्य व्यक्तियों के लिये मजदूरी की न्यूनतम दरें समुचित प्रवर्ग के व्यस्य कर्मचारों को संदेय दरों के 70 प्रतिशत के बराबर होगी।

का०सा० 1921—न्यूनतम मजदूरी अधिनियम, 1948 (1948 का 11) की धारा 5 की उपधारा (2) के साथ पठित धारा 3 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और उक्त धारा की उप-धारा (1) के खण्ड (क) के अधीन गठित समिति की सलाह पर विचार करने के पश्चात् केन्द्रीय सरकार मैंगनीज की खानों में नियोजित इससे उपाबद्ध अनुसूची में विनिर्दिष्ट कर्मचारियों के प्रवर्गों को संदेय मजदूरी की न्यूनतम दर एतद्द्वारा नियत करती है और निदेश देती है कि यह अधिसूचना 19 मई, 1969 को प्रवृत्त होगी।

अनुसूची

मैंगनीज की खानों के नियोजन में मजदूरी की न्यूनतम दरों का प्रारम्भिक नियतन।

कार्य का वर्गीकरण	प्रतिदिन मजदूरी की न्यूनतम दरें
(1)	(2)
ह०पै०	
अकुशल :	
(1) आया (2) बाँय (3) बटलर (4) कैरियर (5) अभीक्षक (6) चौकीदार (7) झिलनर (8) धोबी (9) श्रमिक (10) मजदूर (पुरुष/महिला) (11) माली (12) संदेशवाहक (13) श्रंक लेखक (14) चपरासी (15) पिकर (पुरुष/महिला) (16) झाड़ूकश (पुरुष/महिला) (17) ट्रामर (18) ट्रौली वाला (19) ट्रौली ट्रिपर (20) नांद मरम्मतकार (21) पानी वाला (22) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो अकुशल किस्म के हैं।	2. 40
अर्धकुशल/अकुशल पर्यवेक्षकीय :	
(1) परिचर (2) बँकमैन (3) उत्स्फोटक (4) ब्रेक-मैन (5) रोकड़ रक्षक (6) चैकर (7) रसोइया (8) ड्रेसर (9) बरमा वाला (सहायक) (10) फायरमैन (11) ग्रेस देने वाला (12) ग्रिडर (13) हथौड़ावाला (14) मददगार (15) जमादार (16) खलासी (17) दीप कक्ष भार-साधक (18) भरने वाला (पुरुष/महिला) (19) भेंट (20) दाई (21) तेलवाला (22) पैटमैन (23) सैम्पलर (24) कटाईकार (25) भाण्डारी (26) पर्यवेक्षक (27) काण्ठकार (28) किसी नाम से कहलाने वाले अन्य प्रवर्ग जो अर्ध-कुशल/अकुशल पर्यवेक्षकीय किस्म के हैं।	3. 20
कुशल :	
(1) असेयर (2) लुहार (3) बकई (4) चार्जमैन (5) रसायनज्ञ (6) कम्पाउण्डर (7) बाल-गुहवाला (8) नक्शा नवीस (9) बरमा वाला (10) चालक (11) बिजली मिस्त्री (12) फिटर (13) फौरमैन (14) राज मिस्त्री (15) मैकेनिक (16) मिस्त्री (17) सांघे वाला (18) प्रचालक (19) ओवरसियर (20) पेन्टर (21) पाइप फिटर	4. 80

(1)

(2)

रु० प०

(22) सर्वेक्षक (23) टीनकार (24) टर्नर (25) झलाइंगर (26) तार मिस्त्री (27) कार्य सरकार (28) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो कुशल किस्म के हैं।

लिपिक वर्ग :

- (1) खजांची (2) लिपिक (3) रजिस्टर पाल (4) भण्डारी (5) ग्रन्थक्ष (6) समयपाल (7) टाइपिस्ट (8) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो लिपिकिय किस्म के हैं।

मैट्रीकुलेट 4.80

नान-मैट्रीकुलेट 3.20

स्पष्टीकरण—इस अधिसूचना के प्रयोजन के लिए—

1. (क) अकुशल काम वह है जिसमें साधारण सक्रियाएं आएँ और जिसे करने के लिए थोड़ी सी कुशलता या अनुभव का होना या बिल्कुल ही न होना अपेक्षित हो।

(ख) अर्धकुशल काम वह है जिसमें कुशलता या क्षमता की कुछ मात्रा आएँ जिसे काम पर अनुभव द्वारा प्राप्त किया जाए और जो किसी कुशल कर्मचारी के पर्यवेक्षण या मार्गदर्शन में किया जा सके तथा इसमें अर्धकुशल पर्यवेक्षकीय काम भी है।

(ग) कुशल काम वह है जिसमें कुशलता या क्षमता आएँ जिसे काम पर अनुभव द्वारा या शिक्षा के रूप में या किसी टेकनिकल या व्यावसायिक संस्थान में प्रशिक्षण द्वारा प्राप्त किया जा सके और जिसके करने में पहल और विवेक बुद्धि की आवश्यकता हो।

2. मजदूरी की न्यूनतम दरों में कुल मिलाकर सभी दरें आ जाएंगी और इसमें विश्राम के साप्ताहिक दिन की मजदूरी भी शामिल है।

[संख्या एल० डब्लू० आर्इ-4/13/68-पार्टे]

का० आ० 1922—न्यूनतम मजदूरी अधिनियम 1948 (1948 का 11) की धारा 5 की उपधारा (2) के साथ पठित धारा 3 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और उक्त धारा की उपधारा (1) के खण्ड (क) के अधीन गठित समिति की सलाह पर विचार करने के पश्चात् केन्द्रीय सरकार बेराइटिस, बोक्साइट्स, जिप्सम, की खानों में नियोजित इससे उपाबद्ध अनुसूची में विनिर्दिष्ट कर्मचारियों के प्रवर्ग को संदेय मजदूरी की न्यूनतम दर एतद्द्वारा नियत करती है और निदेश देती है कि यह अधिसूचना 19 मई, 1969 को प्रवृत्त होगी।

अनुसूची
बेराइटिस की खानें

काम का वर्गीकरण	प्रतिदिन मजदूरी की न्यूनतम दरें
(1)	(2)
	रु० पै०
अकुशल :	
कर्मचारियों के वे सभी प्रवर्ग जो काम की किसी भी ऐसी श्रेणी में नियोजित हैं जो अकुशल किस्म की है भले ही वे किसी भी नाम से पुकारे जाएं .	2.40
अर्धकुशल/अकुशल पर्यवेक्षकीय :	
(1) हथोड़ेवाला (2) उत्स्फोटक (3) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो अर्धकुशल/अकुशल पर्यवेक्षकीय किस्म के हैं।	3.20
कुशल	
(1) बरमा वाला (2) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो कुशल किस्म के हैं।	4.80
लिपिक वर्ग :	
(1) लिपिक (2) टाइपिस्ट (3) ग्राशुलिपिक (4) मुंशी (5) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो लिपिकीय किस्म के हैं।	
मैट्रीकुलेट	4.80
नान-मैट्रीकुलेट	3.20
बोक्साइट की खानें	
अकुशल :	
(1) आफिस बॉय (2) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो अकुशल किस्म के हैं।	2.60
अर्धकुशल/अकुशल पर्यवेक्षकीय :	
(1) मेट (2) मुकदम (3) पर्यवेक्षक (4) मववगार (5) सहायक बरमा वाला (6) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो अकुशल किस्म के हैं।	3.45
कुशल :	
कर्मचारियों के वे सभी प्रवर्ग जो काम की किसी भी ऐसी श्रेणी में नियोजित हैं जो कुशल किस्म की है भले ही वे किसी नाम से पुकारे जाएं।	5.20
लिपिक वर्ग :	
(1) लिपिक (2) टाइपिस्ट (3) ग्राशुलिपिक (4) मुंशी (5) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो लिपिकीय किस्म के हैं।	
मैट्रीकुलेट	5.20
नान-मैट्रीकुलेट	3.45

(1)

(2)

रु० पै०

जिप्सम की खानें

अकुशल :

- (1) बागावान (2) प्रयोगशाला बांध (3) हलवाई (4) चालक (बैलगाड़ी, ऊंट, गधा या खच्चर) (5) आया (6) डाक हरकारा (7) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो अकुशल किस्म के हैं। 2. 60

अर्धकुशल/अकुशल पर्यवेक्षकीय :

- (1) मेट (2) ब्रेकर (3) प्रधान चौकीदार (4) खनिक (5) प्रयोगशाला परिचर (6) पर्यवेक्षक (7) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो अर्धकुशल या अकुशल किस्म के हैं। 3. 45

कुशल :

- (1) पेन्टर (2) लाइन मैन (3) बिजली मिस्त्री (4) रसायनज्ञ (5) लुढ़ाई फोरमैन (6) गैली प्रचालक (7) सहायक रसायनज्ञ (8) सहायक फोरमैन (9) खराद मिस्त्री (10) सब-ओवरसियर (11) नवशानवीस (12) लोह-मुद्रक-एवं-जरीब वाला (13) पर्यवेक्षक (14) दाई (15) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो कुशल किस्म के हैं। 5. 20

लिपिक वर्ग :

- (1) क्लर्क (2) टाइपिस्ट (3) भण्डार निकासक (4) आशुलिपिक (5) समयपाल (6) कार्यालय सहायक (7) भारसाधक पहरा-निगरानी (8) मुंशी (9) किसी भी नाम से कहलाने वाले अन्य प्रवर्ग जो लिपिकीय किस्म के हैं।

मैट्रीकुलेट 5. 20

नान-मैट्रीकुलेट 3. 45

इस अधिसूचना के प्रयोजन के लिये स्पष्टीकरण—

1. (क) अकुशल काम वह है जिसमें साधारण संक्रियाएं आएँ और जिसे करने के लिये थोड़ी सी कुशलता या अनुभव का होना या बिल्कुल ही न होना अपेक्षित हो।

(ख) अर्धकुशल काम वह है जिसमें कुशलता या क्षमता की कुछ मात्रा आएँ जिसे काम पर अनुभव द्वारा प्राप्त किया जाए और जो किसी कुशल कर्मचारी के पर्यवेक्षण या मार्गदर्शन में किया जा सके तथा इसमें अर्धकुशल पर्यवेक्षकीय काम भी हैं।

(ग) कुशल काम वह है जिसमें कुशलता या क्षमता आएँ जिसे काम पर अनुभव द्वारा शिक्षा के रूप में या किसी टेक्निकल या व्यावसायिक संस्थान में प्रशिक्षण द्वारा प्राप्त किया जा सके और जिसके करने में पहल और विवेक बुद्धि की आवश्यकता हो।

2. मजदूरी की न्यूनतम दरों में कुल मिलाकर सभी दरें आ जाएंगी और इसमें विश्राम के साप्ताहिक दिन की मजदूरी भी शामिल है।

का० प्रा० 1923.—न्यूनतम मजदूरी अधिनियम, 1948 (1948 का 11) की धारा 5 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना संख्या का० प्रा० 1933 तारीख 8 जून, 1965 को अधिक्रान्त करते हुए तथा उक्त अधिनियम की धारा 5 की उप-धारा (i) के खण्ड (क) के अधीन गठित समिति की सलाह पर विचार करने के पश्चात्, केन्द्रीय सरकार, बेराइटिस, बोक्साइट और जिप्सम की खानों में नियोजित इससे उपाबद्ध अनुसूची में विनिर्दिष्ट कर्मचारियों के प्रवर्ग को संदेय मजदूरी की न्यूनतम दर एतद्वारा नियत करती है और निदेश देती है कि यह अधिसूचना 19 मई, 1969 को प्रवृत्त होगी।

अनुसूची

काम का वर्गीकरण	प्रतिदिन मजदूरी की न्यूनतम दरें
(1)	(2)
	रु० पै०
I. बेराइटिस की खानें	
अकुशल :	
(1) मजदूर (पुरुष/महिला) (2) ग्रेडर (पुरुष/महिला) (3) चिप्पर (4) पहरेदार	2. 40
अधकुशल/अकुशल पर्यवेक्षकीय :	
(1) खनिक-एवं-लादने वाला (2) खनिक (3) लादने वाला/वाली (पुरुष/महिला) (4) ट्रेसर	3. 20
कुशल :	
(1) सम्पीडित चालक	4. 80
II. बोक्साइट की खानें	
अकुशल :	
1) मजदूर (पुरुष/महिला) (2) पहरेदार (3) पानी ढोने वाला (4) पिकर (पुरुष/महिला) (5) चपरासी (6) झाड़ूकश (7) क्लिनर	2. 60
अधकुशल/अकुशल पर्यवेक्षकीय :	
(1) खनिक (2) मददगार बढ़ई (3) उत्स्फोटक (शॉट फायर करने वाला) (4) श्रौजार पनाने वाला (5) पम्प परिचर (6) एक्जी (7) दलित प्रचालक मददगार (8) सैम्पलर (9) सम्पीडित आबेधक (10) बुलडोजर खलासी (11) कैन्टीन बॉय (12) बागवान	3. 45
कुशल :	
(1) बढ़ई (2) फीटर (3) बरमा वाला (4) लुहार (5) दलित प्रचालक (6) चालक (7) मैकेनिक (8) सम्पीडित परिचर (9) पावर शाबल आपरेटर (10) ट्रैक्टर प्रचालक (11) डम्प ड्राइवर (12) बिजली मिस्त्री (13) पावर और पम्पघर प्रचालक	5. 20

(1)

(2)

र० पै०

III. जिप्सम की खानें

अकुशल :

(1) मजदूर (पुरुष/महिला) (2) सैम्पल बॉय (3) पिकर (पुरुष/महिला)	2.60
(4) क्लिनर (5) पहरेदार (6) पानी वाला (7) झाड़ूकश (पुरुष/महिला) (8) चपरासी	

अर्धकुशल/अकुशल पर्यवेक्षकीय :

(1) मददगार (2) खलासी (3) चेकर (4) पेटमैन (5) चिकित्सालय परिचर (6) टेलीफोन परिचर (7) रसोइया	3.45
--	------

कुशल :

(1) कुशल मजदूर (2) सहायक सैम्पलर टेकर (3) डीजल मैकेनिक (4) चालक (5) जेनरेटर प्रचालक (6) तार मिस्त्री (7) वायु सम्पीडित परिचर (8) राज मिस्त्री (9) झलाईगर (10) सैम्पलर (11) बरमा-वाला (12) शाट फायर करने वाला (13) फिटर (14) स्थिर इंजन परिचर (15) पम्प परिचर (16) लुहार (17) टर्नर (18) बढ़ई (19) कम्पाउण्डर (20) अप्रशिक्षित बाल गृह परिचर	5.20
---	------

इस अधिसूचना के प्रयोजन के लिए स्पष्टीकरण—

1. (क) अकुशल काम वह है जिसमें साधारण संक्रियाएं आएँ और जिसे करने के लिए थोड़ी सी कुशलता या अनुभव का होना या बिल्कुल ही न होना अपेक्षित हो।

(ख) अर्धकुशल काम वह है जिसमें कुशलता या क्षमता की कुछ मात्रा आए जिसे काम पर अनुभव द्वारा प्राप्त किया जाए और जो किसी कुशल कर्मचारी के पर्यवेक्षण या मार्गदर्शन में किया जा सके तथा इसमें अर्धकुशल पर्यवेक्षकीय काम भी है।

(ग) कुशल काम वह है जिसमें कुशलता या क्षमता आए जिसे काम पर अनुभव द्वारा या शिक्षा के रूप में या किसी टैकनिकल या व्यावसायिक संस्थान में प्रशिक्षण द्वारा प्राप्त किया जा सके और ज सके करने में पहल और विवेक बुद्धि की आवश्यकता हो।

2. मजदूरी की न्यूनतम दरों में कुल मिलाकर सभी दरें आ जाएंगी और इसमें विश्राम के साप्ताहिक दिन की मजदूरी भी शामिल है।

[संख्या एल० डब्लू० आई-आई-4(13)/68-पार्टे]

टी० एस० शंकरन, संयुक्त सचिव।

(Department of Labour and Employment)

[Office of the Chief Labour Commissioner (Central)]

ORDER

New Delhi, the 7th December 1970

S. O. 97—Whereas an application has been made under section 19(b) of the Payment of Bonus Act, 1965 by Messrs Vasu's Mining Works (employer) in relation to their establishment mentioned in the Schedule below for extension of the period for the payment of bonus to their employees for the accounting year ending on 31-3-1970.

And whereas being satisfied that there are sufficient reasons to extend the time I have, in exercise of the powers conferred on me by the proviso to clause (b) of Section 19 of the said Act read with the notification of the Government of India in the Ministry of Labour & Employment No. WB-20(42)/65 dated the 28th August, 1965, passed orders on 3-12-1970 extending the period for payment of the said bonus by the said employer by two months (i.e. upto 31-1-1971) from the last date for payment of bonus under clause (b) of Section 19 of the Act.

Now this is published for information of the employer and all the employees of the said establishment.

THE SCHEDULE

Name and address of the employer(s)	Establishment(s)
M/s. Vasu's Mining Works, Udumalpet, P. O. Coimbatore, Dist (Tamil Nadu).	Moongiltholuvu, Kongalnagar and Ichipatti, Gypsum Mines, Udumalpet.

[No. BA-5(24)/70-LSI]

O. VENKATACHALAM,
Chief Labour Commissioner (Central)

(श्रम और रोजगार विभाग)

(मुख्य श्रम आयुक्त (केन्द्रीय) का कार्यालय)

आदेश

नई दिल्ली, 7 दिसम्बर, 1970

का० प्रा० 97.— यतः मैसर्स वासूज माइनिंग वर्क्स (नियोजक) ने नीचे की अनुसूची में वर्णित अपने स्थापनों के 'सम्बन्ध' में 31-3-1970 को समाप्त होने वाले लेखा वर्ष के लिये अपने कर्मचारियों को बोनस के संदाय की कालावधि को बढ़ाने के लिये बोनस संदाय अधिनियम, 1965 की धारा 19 (ख) के अधीन आवेदन दिया है।

और यतः यह समाधान हो जाने पर कि समय बढ़ाने के लिये पर्याप्त कारण है, मैंने भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना सं० डब्ल्यू बी-20 (42)/65 तारीख 28 अगस्त, 1965 के साथ पठित उक्त अधिनियम की धारा 19 के खण्ड (ख) के परन्तुक द्वारा मुझे प्रदत्त शक्तियों का प्रयोग करते हुये 3-12-70 को उक्त नियोजक द्वारा उक्त बोनस के संदाय की कालावधि को अधिनियम की धारा 19 के खण्ड (ख) के अधीन बोनस के संदाय की अन्तिम तारीख से 2 महीने (अर्थात् 31-1-1971 तक) बढ़ाने का आदेश दे दिया है।

अब इसे उक्त स्थापन के नियोजक और सभी कर्मचारियों की सूचना के लिये प्रकाशित किया जाता है।

अनुसूची

नियोजक/नियोजकों का नाम और पता	स्थापन
मैसर्स वासूज माइनिंग वर्क्स, उडुमलपेट, पो० आ० कोयम्बटूर, जि० तमिलनाडु	मुंगिलथोलुवु कोंगलनगरम और इच्ची पट्टी, जिप्सम माइन्स, उडुमलपेट [सं० बी० ए०-5(24)/70 एल० ए० प्राई०] ओ० वेंकटाचलम, मुख्य श्रम आयुक्त (केन्द्रीय)

